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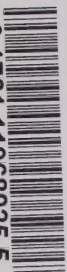
TESTIMONY

INDIAN BROTHERHOOD (& METIS ASSOCIATION)
OF THE NORTHWEST TERRITORIES

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*Recd. May 2/76
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Indian Brotherhood of the Northwest Territories

Metis Association of the Northwest Territories

"Lessons From The James Bay Settlement"

Statement of evidence of

BOYCE RICHARDSON

before the

MACKENZIE VALLEY PIPELINE INQUIRY

YELLOWKNIFE, N.W.T.

April, 1976

2000

The purpose of the James Bay hydro-electric scheme is to create electricity to meet what are conceived to be the needs for energy of the southern Canadian and United States societies in the next quarter of a century. The scheme was announced by the Premier of Quebec in April, 1971, and later that year an act was passed by the Quebec legislature setting up the James Bay Development Corporation, charged with the planning and management of all future development in James Bay, and creating the municipality of James Bay, an area of 133,000 square miles of land east of James Bay. The development corporation was to create subsidiaries to control various aspects of development -- hydro-electricity, tourism, forestry, mining, and so on -- and priority was to be given to the hydro-electric development, for which the James Bay Energy Corporation was established, partly owned by Hydro-Quebec and partly by the James Bay Development Corporation. (Now wholly owned by Hydro-Quebec, I believe). One clause in the empowering Act provided that nothing in the Act should affect the rights of Indian communities in the territory, but in the early stages no other recognition was given to the fact that the entire territory was unsurrendered, Indian-occupied land, and it was assumed that the Province had the right to build the project, and any other project in the territory, without reference to the Indians or their rights.

While the act was passing through the Quebec legislature in the summer of 1971, representatives of Indian communities held a meeting -- the first meeting ever held by the Cree people of James Bay in the many thousands of years of their history -- at which they asked the Minister of Indian Affairs to defend them from the intrusions of the Quebec Government on their land, because, as they said, "only the beavers have the right to build dams on our territory." This was the beginning of a



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process of opposition which led the Indian and Inuit people of northern Quebec into Superior Court in Montreal almost eighteen months later in an attempt to obtain an injunction to bring the works to a halt, and to end the trespass of the Quebec Government on the Indian lands.

The intervening 18 months had been spent largely in fruitless negotiation with the Quebec Government and the James Bay Development Corporation about the project. These negotiations were undertaken at the insistence of the federal government, which held that Quebec had an undischarged responsibility to treat with the Indians under the terms of the Boundaries Extension Act of 1912, when the last part of the former Hudson's Bay Company Territories in northern Quebec were transferred to the jurisdiction of the Province of Quebec. In this legislation the Province undertook "to recognize the rights of the Indian inhabitants of the territory above described to the same extent, and will obtain surrenders of such rights in the same manner, as the government of Canada has heretofore recognized such rights and has obtained surrender thereof..."

In spite of this undischarged obligation, the Province of Quebec had in effect begun to build the hydro-electric project almost from the moment of its sudden and unexpected announcement. The first summer was spent in intensive geological and other technical explorations, and an early beginning was made to the infrastructure of roads, airports, camps and so on needed for construction. In the early months of 1972 the Province refused to negotiate with the Indians about the project itself, but was willing to discuss possible impacts on Indian life, and in that summer the Indian association sent a team of scientists into the James Bay area in an effort to obtain, in a form that was acceptable to the government, information that was already well-known to the Cree and Inuit people

about their dependence on the renewable resources of the La Grande River, where Phase I of the project had already been started. I accompanied this task force as a film-maker.

The conclusion of this task force was that the native people depended on the renewable resources of the river, that these resources would be destroyed by a huge scheme such as that proposed for Phase I, and that the native life could not co-exist with such a scheme. They suggested that the scheme, if scaled down, might be acceptable, and in particular asked that LG-1, the power plant scheduled to be built across the first rapids of the La Grande 23 miles inland from Fort George, beginning in 1978, should not be built because of the dependence of the Fort George people on the whitefish they caught there, or, at least should be moved to another location. The authorities refused to discuss any of these suggestions, denied the existence of a viable hunting culture of dependence on country food, and suggested many alternatives such as artificial spawning ponds, transplantation of the threatened beaver and other animals, importation of beef from the prairies through Churchill to replace caribou-meat, and so on, all of which suggestions were considered by native negotiators to be totally irrelevant to the basic problem, which was the threat to their way of life and culture.

In October of 1972, the native negotiators, who had been counselled to extreme caution by their advisers, wearied of the obstructions to meaningful negotiation and finally obtained a brief interview with the Premier of the Province. They obtained no satisfaction from him -- indeed, they scarcely obtained a hearing at all -- and then decided to go to court to try to stop the project. A small and poor minority with no political or economic power, they thus entered a strange and impressive battle against perhaps the biggest single economic project that had ever been launched in North America.

Meanwhile, the project was being built. Roads, airports, camps and project lines were being constructed in land that had from time immemorial been used by Cree hunters. The damage at that point was small, but it was very real to the people who found themselves being pushed aside to make way for the new developments. Under the terms of an injunction proceeding, the Indian and Inuit plaintiffs had to try to convince the Judge that they had already been personally injured by the works carried out, or would be in the future if immediate plans were executed. The hearing began in November, 1972, and was not completed until June of 1973. The judge was not able to bring down his judgment until November 15, 1973, a year after the hearing began. During this year the construction work on the project not only continued, but picked up momentum, and some 1,400 men were at work in the Indian lands when the judge issued an injunction ordering work to stop, and the corporations and contractors to cease trespassing in the territory. Mr. Justice Malouf found that the Indian and Inuit petitioners had rights in the territory, the exact nature and extent of which he was not called upon to define, but sufficient to ensure that they had a substantial case to be considered at a final hearing; and that they were justified in their apprehension of injury to those rights by the works being carried out. He found they had been occupying the land from time immemorial, that they depended, at least in part, on the animals they trapped and hunted, that they had a unique concept of the land, and that they "make use of all its fruits and produce, including all animal life therein, and any interference therewith compromises their very existence as a people." If this injunction had remained in place the works would have been stopped, and the stoppage of the works would have been a powerful bargaining counter on the Indian side in future negotiations. The effect of the injunction, however, was suspended by the Quebec Court of Appeals a week after the injunction was issued, pending a hearing by the same court on the merits of the Malouf judgment.

now opened (for the first time with any degree of commitment on the part of the Province) were conducted under the shadow of the devastating fact that the biggest hydro-electric project ever conceived in North America was being built in the Indian lands as they talked on.

These negotiations now occupied the following 12 months, as the project moved into a more complicated phase, and, in fact, became irrevocable. It now became clear to the Indian negotiators that whatever they decided to accept or reject, the project was being and would be built in their hunting grounds. They were confronted with a fait accompli, of exactly the sort which, in his judgment, Mr. Justice Malouf denounced. During these months, the Indian lawyers kept entering minor actions into court, trying to have the injunction re-established by the Supreme Court of Canada, trying to seek permission to proceed immediately with an action for a permanent injunction -- but none of these tactics worked. The Quebec Government's initial offer, made only two weeks after the Malouf judgment was handed down (and 61 years after the government had undertaken to treat with the Indians) had been for a cash payment of \$40 million, plus later royalties of \$60 million, 2,000 square miles of reserves, a guaranteed income for trappers, and hunting, fishing and trapping rights in unoccupied Crown land. The Government then also proposed modifications to the project, whose effect was to increase its size from 8,000 mw to 11,000 mw. This offer was rejected by the native negotiators on the grounds that their primary concern was to defend the integrity of their land, and their way of life. In a series of meetings held around the settlements, not a single question was asked of the negotiators about the \$100 million, but a consistent concern about the land was expressed by everyone, young and old. The Premier of

Quebec had appointed Mr. John Ciaccia, a former deputy Minister of Indian Affairs in Ottawa, as his negotiator, and he said that his mandate was to ensure that Quebec should be free to develop the James Bay area, while ensuring a fair deal for the native people. Midway through this negotiation, the substantive argument was heard before Quebec Court of Appeals on the merits of the Malouf judgment. A very brief analysis of the argument put to this court by the Government side would help, I believe, to an understanding of the final settlement.

Having now had 18 months since the opening of the case to pull their argument together, the Government side now produced their definitive view of the Indian situation in James Bay: The Indians had no rights in James Bay. If they had ever existed, they were abolished by King Charles II when he gave the charter to the Hudson's Bay Company in 1670 and made no reservation on behalf of the Indians. None of the references to Indian rights in legislation meant that such things as Indian rights existed. Even the act of various governments in accepting surrender of Indian rights in the past should not be taken to mean a recognition that the Indian rights so surrendered actually existed. The Corporation argued that the proof in Superior Court had shown that hunting and trapping were of little importance to the Indians and "constitute perhaps a way of life for a very small number of them", and in any case the works would not interfere with hunting and trapping. The Corporation said the proof had shown that animals in James Bay would be little affected by the works, that management would render the effects of the project beneficial to the environment, and that the needs of a small number of negligibly affected trappers (24 was a figure mentioned) had to be set against the needs of the 6,000,000 people of Quebec, and the likely losses of up to \$700 million if the project was to be stopped. Indeed, it was argued by the Corporation that the project was the main

cohesive tool available to the Cree people, and the salutary shock that would permit the Cree culture to rediscover its identity and personality.

With all of these arguments representing a total denial of the reality of the Indian hunting culture in James Bay and with every prospect that the Quebec Court of Appeals would accept them, and with the mailed fist of the project strengthening daily --- including a network of more roads, airports, settlements, earthworks, quarries and so on encroaching further into the Indian lands every day --- it can be seen that the Indian negotiators had little option but to accept the velvet glove now held out to them by the Quebec Government representatives around the negotiating table.

There may have been among the Indians --- especially the older Indians unfamiliar with legal procedure --- at one time a hope that they could, in fact, defend the integrity of their hunting lands and of their hunting culture; but as can be seen from my recital of the relative power of the two sides, this was never a possibility. The Indians were engaged in a process of surrender of their rights. Nothing less than that would have met the need of the Quebec Government to be free to develop James Bay. Had the Indians entered the negotiation on a different basis, for instance, in the hope of obtaining authority to control the nature of development in their lands so that they would not be simply imposed on by gigantic projects designed to meet outside needs, and built by outsiders -- then it can be seen that their negotiating position would have been fatally compromised from the beginning by the continuing construction being caused by the James Bay project while they negotiated. My impression is that the Indians had to take what they could get. Their only alternative was to withdraw from negotiations, and pursue their case, after its

inevitable defeat in the Quebec Court of Appeals, through to the Supreme Court of Canada. This would have taken a long time, contained no guarantee of success, and the essential point is that the project would have continued a-building as the argument went on. They might well have finished defeated in court and with no settlement and no residual rights of any kind; or victorious, but with the project still a fait accompli in their lands. And always with the evident danger that the bigger the project became, the larger it would loom in the consideration of the judges.

The Government negotiators had a year in which to reach an agreement. A year to the day after the Malouf judgment, they signed an interim agreement with the Cree and Inuit negotiators; and a year later, November, 1975, the final agreement was signed. The final agreement contains 821 pages in three volumes. It contains 575 clauses and 215 pages of schedules. It regulates just about everything that can possibly happen in James Bay for the next quarter of a century (and even provides for what will happen when the Cree become extinct --- their land will revert to the Quebec Government). It is not a treaty in the normal Canadian sense of the word, but, to quote, "an agreement for the rational organization of the territory".

Curiously enough, the agreement has a foreward in the form of a speech by the government negotiator, Mr. Ciaccia, which denies every proposition held in court against the Crees, and might well have been written by one of the Indians' lawyers. In his speech Mr. Ciaccia accepts the government's obligation under the 1912 legislation, he accepts that the native minorities were "battling for survival", he accepts that the native people are living in harmony with nature, that trapping is one of the principal occupations, and that their way of life is not dying, but is being

held to by the native people "with every fibre of their being". All of these propositions were denied in court by the James Bay Development Corporation, whose arguments were accepted by the Quebec Court of Appeal.

The objective of the agreement is to enable Quebec to extend its authority fully into its northern lands; to enable the native people to become full participants in the life of Quebec, and to safeguard their traditional culture. Though the agreement is extraordinarily complicated, and covers a multitude of subjects, its essence is contained in Section 2, para 1: "In consideration of the rights and benefits herein set forth in favour of the James Bay Crees and the Inuit of Quebec, the James Bay Crees and the Inuit of Quebec hereby cede, release, surrender and convey all their Native claims, rights, titles and interests, whatever they may be, in and to land in the Territory and in Quebec, and Quebec and Canada accept such surrender."

By this surrender Quebec obtains the right to develop the whole of the James Bay area, with some very limited restrictions in respect to some small areas of land which are to be administered in a fashion somewhat analagous to Indian reserves in the rest of the country. In particular, the agreement frees Quebec to proceed unencumbered with the James Bay project, whose works far into the foreseeable future are to be given priority over nearly all other considerations established in the agreement. In return the native people receive three main things:

1. A complicated land regime which divides Northern Quebec into three categories of land, but the essence of which is that Quebec is free to develop all of the territory except for 2,140 square miles of what is in effect reserve land for the Cree, and 3,250 square miles of similar land for the Inuit. These are Category 1 lands.

In a further 25,130 square miles the Cree will have the exclusive right of hunting, fishing and trapping, as will the Inuit in an area of some 35,000 square miles. These are category II lands, and if development is undertaken in them, the Cree and Inuit must be compensated in land or money. The essential point is that development can be undertaken in them, and in all of the rest of the lands of northern Quebec, known as Category III lands.

2. A monetary settlement, amounting to \$225 million, to be divided roughly 60 per cent to the Crees, 40 per cent to the Inuit, to be paid between now and 1996, with final payments of Quebec Government bonds maturing by 1999.
3. The third benefit obtained by the native people is participation in the management of the hunting, fishing and trapping regime, and the environmental protection, of the whole area of northern Quebec.

To administer this complicated system, designed to defend the traditional native cultures, a complex network of 37 committees, councils, corporations, associations, boards, commissions, authorities, districts, companies and panels, to operate on a territory-wide basis, have been set up, with another 86 committees and corporations at the local level. Although detailed figures are hard to establish from the agreement, it would seem that at least 400 jobs --- or, at least, tasks --- will be created for Cree and Inuit people in this administrative network --- a very significant proportion of the male work force, and one which compares with the 600 full time subsistence hunters which some

studies have postulated as a likely future level. This network has been established for the administration of 10,000 people. It is interesting to note that in evidence before Superior Court, the James Bay Development Corporation's anthropologist, Paul Bertrand, prophesied that the Cree culture would break down within seven years, because the people in the villages would not be ready for another 20 or 30 years to occupy the posts already created in government in their villages, and they were not capable of accelerating the process. A year later, this vast new superstructure of government is being imposed on the Cree people, a structure evidently far beyond their present capacity: it does make one wonder if the Government has not heeded only too well the warning of Mr. Bertrand, and has decided to hasten the process. That is perhaps too Machiavellian: perhaps.

Negotiating against the gun, as it were, and with the Quebec Government driving an extremely hard bargain on every issue (since they were determined to assert their presence in northern Quebec in every way) the native people have had to accept a land regime that is so complicated as almost to defy comprehension by a layman. Quebec was not prepared to hand over responsibility for all Category 1 land to Indians, but divided even Category 1 land into three separate types, of which the Indians exercise a fairly complete control over only 1,274 square miles out of the total of 2,140 square miles. This is Category 1A land, and though the ownership remains vested in Quebec, only on these lands do the administration, management and control vest in the federal government. Only these lands are more or less analagous to Indian reserves. Category 1B lands comprise 884 square miles, and for their management band councils must be formed into public corporations which will own them outright. Quebec refused to allow the coastal Cree communities to choose reserve land on the northern banks of the rivers on which their settlements are

situated, and these northern banks constitute Special Category 1B lands, on which Quebec may make small developments without compensation, and to which all provincial government agencies and mandatories shall have unrestricted access. Lands that fall within Category 1 that are the object of mining claims, development licences, etc., are to be regarded as Category III lands as is any land covered by exploration permits. Though Category I land has already been chosen by the Cree, they are not to have a list of mining claims, licences, concessions, leases, permits, etc. until 90 days after signing the agreement. Yet the area of such lands (to be regarded as Category III lands) is included in the 2,158 square miles of Category I lands.

The Cree have had to accept that tremendous corridors should be withdrawn from their "reserves" without compensation. These include existing roads (considered Category III) with a 500 foot corridor (Category II), on either side (that is, 1000 feet wide). Elaborate precautions have been taken to permit the NBR project (Nottaway-Broadback-Rupert complex, to be built in the southern part of the territory far in the future) to be built without further trouble from the Indians, and the Waswanipi band has had to agree in advance that 1,750 foot wide corridors should be run over their Category I lands without compensation; that all Category II lands used or lakes flooded by construction shall be thereafter considered Category III lands; Rupert House has had to agree that Category I or II lands be treated as Category III lands if needed for the NBR complex; and should not be compensated; and so on.

In comparison with Indian reserves elsewhere in Canada, the Category I lands will be under only a tenuous control of their Indian occupants, since they may be taken for purposes of building the James Bay project, which can no longer be opposed. In comparison, Indian reserve lands in other parts of Canada can be used only after an instrument of surrender has been signed by the

band. Also, Quebec, of course, not only maintained ownership of the minerals and sub-surface rights in all Category I lands, but, in a curious demonstration of its determination not to give anything away that is too good, provided that the intertidal zone in front of Category I lands shall be considered Category II (and therefore subject to development if wanted by the province), and that a 200 foot corridor around all major waterbodies lying within Category I lands shall be considered Category II lands, and also, therefore, susceptible to development if wanted by the province.

The traditional authority exercised by Indian bands over their reserves has not been granted to the Cree Indians of James Bay in Category I lands. The general public is to have right of access to all roads, arteries, airports, bridges, seaplane bases, wharves, harbours, rivers and principal lakes and public buildings and lands used for public purposes, and persons authorized to exercise a public function or engaged in technical surveys or construction or operation of a public work shall also be admitted as of right. The Cree local government must also permit persons to live on the lands who are engaged on administrative or public service duties or scientific research. In addition, holders of mining leases in Category I lands will have authority to use Category I lands surrounding their leases. Compensation in land or money must be paid for land taken for public servitudes, but if there is no agreement on replacement land the servitude may proceed after 60 days, and if no agreement has been reached after 120 days, the compensation must take the form of money. In other words the servitude is forced on them. Without going into more detail, it is possible to say that the regime established contains many such examples in which final decision (in case of dispute) favours the Quebec authority, and removes control from the Cree people.

Category II land may be expropriated by the province for "development

which is defined as "any act or deed which precludes hunting, fishing and trapping activities by native people". In other words, the interest of the Cree people in Category II land is not so strong that they are to be compensated for any act of development that takes place there, but only one which interferes with their hunting activities. Exploratory work is not regarded as development, and can be done without compensation, even if it interferes with hunting, and public servitudes (which have to be compensated for in category I land) may be undertaken without compensation in Category II land. Use of soapstone to native people is reserved, but will always be subordinate to the rights to other minerals. To give two more examples: all rights given to native people on hunting, fishing and trapping are subject to the right of Quebec to develop Category II and III lands, and the flow of rivers may be modified even if downstream effects occur in Category I lands.

Another curious aspect of the agreement is that a special company with a capital of \$30 million has been set up, called Sotrac, to perform remedial works "to alleviate negative impacts on hunting, fishing and trapping" of the La Grande Complex (though it was argued in court that the project was the essential tool for the survival of the Cree culture). These works shall include re-location of animals, and reorganization of traplines, as well as remedial works in the area of the Opinaca reservoir. This company will also undertake such things as programs to increase efficiency of subsistence harvesting, aerial inventories of wild animals, improved communications, studies of fur animal farms, training programs, stream flow modifications, habitat improvement and other works which one would not have considered necessary if there had been any truth in the arguments made in court by the lawyers for the James Bay Development Corporation.

I do not want to give the impression that there are no positive

features to the agreement, for there are many provisions designed to safeguard the rights of Indians as against those of newcomers to the territory. In particular, a positive provision would seem to be that for a guaranteed income for any Crees who wish to pursue subsistence hunting as a way of life. Of course, if any respect had ever been shown in the past for the Cree culture, it would have been simple to have offered such support many years ago.

On analysis, however, many of the safeguards designed for the Cree people turn out to be heavily weighted in favor of final decisions being made by others than Cree people: this is true even of the hunting, fishing and trapping regime, and the environmental regime, which are the two essential instruments through which the negotiators hope they will be able to ensure the continuance of their traditional life, so long as they wish to pursue it. In these structures, the Cree and Inuit people have been given advisory roles in a complicated and rather immense bureaucracy. One cannot say that these will not work for the benefit of the native people. One can only express some doubts which revolve around two aspects of the agreement: one is that we may be doubtful that a complicated bureaucracy will always operate in an imaginative and humanistic way, as it will have to do if this agreement is to work; and secondly, one has some reservations based on the utterly different perceptions of the two sides locked into this agreement. What may appear to be a reasonable interpretation of loosely worded environmental protection provisions to a Cree hunting culture anxious to defend itself from damage may appear to be unreasonable to an engineering company anxious to pursue its right to develop the territory; and one's anxieties on this account are heightened by the fact that the authorities who are now to co-operate in the defence of the culture only a year or so ago were utterly denying the very existence and viability of the subsistence hunting culture in

James Bay, and decrying it as at best a pathetic and diminishing anachronism. If they should revert to their former attitudes, then, since the final decisions lie with them, they could render all the safeguards unworkable. The acceptance by the Cree negotiators of such questionable safeguards is one of the consequences, I believe, of their having had to negotiate while the project was being built: they had to accept what was offered.

The hunting, fishing and trapping regime does provide that native people have the right to harvest wild animals over most of northern Quebec "where this activity is physically possible and does not conflict with other physical activity or public safety." In essence this is similar to the traditional guarantee of hunting rights in unoccupied Crown Lands, given in the western treaties, but in this case the guarantee is accompanied by certain restrictions on non-native hunting and exclusive rights to certain animals, birds and fish, which, the Cree negotiators hope will give them sufficient control over the animal resources on which the subsistence life depends to permit them to control the pace and nature of changes that they will inevitably confront. This regime recognizes the principle of priority for native harvesting in the allocation of animal resources. The native people are guaranteed levels of harvesting equal to present levels. If game populations are such as to permit harvesting beyond that level, then an allocation for non-native hunting shall be made; but if they do not, then the total harvest shall be allocated to the native hunters.

This regime is to be governed by a Hunting, Fishing and Trapping Co-ordinating Committee, on which the Crees and Inuit will have six representatives and Quebec and Canada each three, and on which the chairman, who will have a casting vote, will be elected on a rotating basis. Except in one particular this will not be a decision making body, but consultative. Its main job will be to allocate the animal resources as between

native and non-native according to guidelines laid down in the agreement. It may establish the upper limit of kill for moose and caribou, and (in one area) of black bear available to non-native people, and its decisions on these are to be binding. Otherwise, it may make only recommendations to the Minister, who may, if he wishes, reject them. Establishment of general game quotas for the area, of protection of the species, research and so on, will remain in the hands of the provincial and federal governments. Thus the real powers of the Co-ordinating Committee would appear to be extremely limited, and only time will tell to what extent it will be permitted to make its influence felt. This regime will not only be subject to principles of conservation which are not spelled out in the agreement (and which, it would appear, will be administered directly by the governments), but will not apply fully over the whole territory of northern Quebec. The territory is divided into a southern area, a buffer zone and the northern area. Only in the northern area will the hunting, fishing and trapping regime apply fully. In the buffer zone, which covers the surrounds of Chibougamau, the northern road, and across through Matagami, moose hunting zones may be established for natives and non-natives, and non-natives will be permitted to sport fish all species of fish (notwithstanding that these fish are supposed to be exclusively given to the native people) and hunt black bear and hares; in the southern zone, which is the entire southern part of the James Bay-Abitibi area, the native priority will apply only on their traplines or in categories I or II lands. Thus over a good part of the territory, very severe derogations have been made from the principle of priority for native harvesting. For the successful operation of the regime, it would appear, the native people are almost wholly dependent on the continued goodwill of authorities whose basic purpose is the occupation and development of James Bay.

The second major concession granted to the native people is the

environmental regime, which gives to native people, for the first time in Canada, some say in developmental decisions to be made in the future in lands in which they have surrendered their rights. This regime is to be governed by a James Bay Advisory Committee on the Environment, in which the four Cree members will have voting parity with the representatives of Canada and Quebec. A list of projects automatically subject to assessment is included in the agreement. An evaluating committee, a review committee and a review panel have been set up to decide the extent and nature of the assessment required. They may require an impact statement from the proponent of any scheme, and transmit their recommendations to a government appointed administrator who may approve or reject any proposed development. The government may veto, any decision of the administrator. This procedure will not apply to any work carried out under Phase I of the James Bay project, but the NBR project will be subject to environmental review procedures, though it will not be subject to objection by the native people on any other than environmental grounds. These provisions are not unlike environmental impact provisions in various Canadian provinces: they are, without exception, so far as I know, totally advisory, and do not in any way bind governments. Their efficacy depends entirely on the sensitivity of governments to environmental concerns. In general governments have tended to place major emphasis on the need for development, and have tended to over-ride environmental considerations where the two imperatives clash.

In summary then, the James Bay agreement represents the surrender of Indian rights over a huge territory which Indians have been using and occupying fully since time immemorial, and grants them in return small reserves, or land analagous to reserves, and temporary guarantees of exclusive hunting rights in the surrendered parts of the territory, until such time as it is needed for occupation and settlement by the white society. The agreement

was negotiated against two persistent overriding facts which undercut the negotiating position of the native people: First, they were afraid that if they did not play ball and agree to surrender their rights in return for certain considerations in the traditional manner of treaties between Indians and the government, the Government of Canada would legislate their rights out of existence. Parliament, after all, is sovereign, and can legislate whatever it pleases. This fear was reinforced by the lack of sympathy from the courts following the overthrow of the Malouf judgment, and by such veiled threats as that thrown out by the Minister of Indian Affairs, to withdraw funding for the Indians to defend their injunction victory in the Appeal Court, unless they were "reasonable" in their talks with the Quebec Government. This fear that if they refused to surrender their rights they would be legislated out of existence was mentioned to me several times by one of the chief Cree negotiators during the course of the negotiations. Secondly, the project was being built in their hunting grounds, and there was clearly no way to stop it. Therefore, they felt they had to take whatever agreement they could get, while the government was still prepared to make an agreement. The evidence that the courts would give more weight to a gigantic project and the money it represents than to established Indian rights was only too clear from their experience before the courts. This had been spelled out by Mr. Justice Malouf, who had scolded the James Bay Development Corporation for continuing to build the project during the many months of the injunction hearing and then arguing that the large sums of money they were spending constantly weighed the balance of inconvenience further on their side. "In a case of this nature," wrote Mr. Justice Malouf, "the sums of money expended, even if substantial, must not be permitted to cloud the issues . . . The proof has convinced me that if these works are allowed to continue a factual situation will soon occur which will render any final judgement ineffectual because it will then

be impossible to put the parties in the position they would have been in had the works not been carried out. To put it another way, a continuation of the works will undoubtedly lead to a fait accompli. Furthermore, if I were to consider balance of convenience in the present case, I would establish a principle which would lead to strange consequences. It would permit a person to change the status quo to or pending the hearing and subsequently plead balance of convenience. I cannot give effect to such a proposition..."

This doctrine, which makes common sense if the purpose of the injunction proceedings is to balance the rights of a weak party against those of a strong one, was totally rejected by the five judges of the Quebec Court of Appeals, for whom Mr. Justice Marcel Crete spoke when he said he was not convinced that the inconvenience to the Indians was on the same scale as the growing need for energy of all of Quebec, and which spoke of the high cost of stopping the project. As Mr. Justice Marshall remarked in 1823, "Conquest gives a title which the courts of the conqueror cannot deny." The Indians of James Bay learned that once the project had been started in their territory, there was nothing they could do to stop it and to reassert the rights which the building of the project was violating. That is a lesson which I believe the Dene people of the Northwest Territories have learned from the James Bay experience, and one which I hope, Mr. Commissioner, you will take fully into account in coming to your own judgment about the desirable future course of action in the north.

APPENDIX A

WITNESS RESUME

Thomas Boyce Richardson

Present Position: Author, film-maker, broadcaster

Professional Experience: 1945-1960- various positions as journalist in New Zealand, Australia, England and Canada.
1960-1968- London correspondent, the Montreal Star.
1968-1971- Associate editor, the Montreal Star.
1971-1976- freelance writer, broadcaster, film-maker.

Affiliations: 1973, member of the board, Canadian Association in Support of Native Peoples.
1972-73 - member of the Council, Canadian Council on Urban and Regional Research.

Publications: Richardson, Boyce, James Bay, the Plot to Flood the North Woods, Toronto: Clark Irwin, San Francisco: Sierra Club, 1972.
Richardson, Boyce, The Future of Canadian Cities, Toronto: New Press, 1972.
Richardson, Boyce, Strangers Devour the Land, New York: Knopf, Toronto: Macmillan, 1976.

Films: Job's Garden, 1973 (in collaboration with the Indians of Quebec Association)
Cree Hunters of Mistassini, 1974, N.F.B.
Our Land Is Our Life, 1975, N.F.B.
The Cities We Build, 1974, C.B.C.
Niagara - For Sale, 1975, N.F.B.

Awards:

1975, Flaherty Award of the British Society of Film and TV Artists.

1975, Best Documentary, Canadian Film Awards.

1975, Special Award, Melbourne Film Festival.

(All the above awards for Cree Hunters
of Mistassini)

APPENDIX B

Reports, etc., relied on or referred to

X Robert Kanatewat, et al. v. The James Bay Development Corporation,
et al.:

- the trial transcript in the Quebec Superior Court.
- X - the judgment of Mr. Justice Malouf, Quebec Superior Court, 15 November, 1973.
- the factum of the appellants James Bay Development Corporation, et al., in the Quebec Court of Appeals.

Agreement between the Government of Quebec, the James Bay Energy Society, the James Bay Development Corporation, Hydro-Quebec, the Government of Canada, the Government of Quebec, and the Grand Council of the Cree and the Northern Quebec Inuit Association, 1975: Editeur Officiel du Quebec.

Richardson, Boyce, Strangers Devour the Land, New York:
Knopf, Toronto: Macmillan, 1976.

Rec'd May 2/76
L & L Law Corp

Indian Brotherhood of the Northwest Territories

Metis Association of the Northwest Territories

"Kutchin Place-Names: Evidence of Aboriginal Land Use"

Summary of evidence of

JOHN T. RITTER

before the

MACKENZIE VALLEY PIPELINE INQUIRY

YELLOWKNIFE, N.W.T.

April, 1976

x Testimony will examine the results of a place-name survey of lands traditionally occupied by Peel and Arctic Red River Kutchin people and will discuss the implications of these findings for a reconstruction of early land use patterns. It will also be shown that place-names, or toponyms as they are technically called, provide valuable evidence concerning the history of the Kutchin, their material culture, and the flora and fauna of the land they have occupied for generations. The paper is accompanied by a master list of toponyms containing, for each, a Kutchin transcription, an English translation, and variant or alternative names where appropriate, and also by a set of topographic maps with individual named sites numerically coded to the master list.

 Approximately 580 Kutchin toponyms have been recorded: 315 for Peel River country, 247 for Arctic Red River, and the remainder for areas lying either within Old Crow Kutchin territory or within the shared Peel River/Old Crow land interface. The entire network of named territory can be described as a rough quadrangle with the following end-points: Old Crow, Yukon Territory, on the northwest; Anderson River on the northeast; Dawson City, Yukon Territory, on the southwest; and the upper reaches of the Arctic Red River on the southeast. Within this quadrangle certain densely named regions are found which reflect intensive land occupancy patterns. For the Arctic Red River Kutchin this includes the large lake-filled area centering around

Travaillant Lake and for the Peel River Kutchin it encompasses the general area described as Rat Pass as well as the entire course of the Peel River from its confluence with the Mackenzie south to the mouth of Snake River. The Mackenzie Delta contains a large number of sites named by both groups.

The evidence is divided into the following sections:

- (1) Aims and scope of study, (2) Methodology, (3) Physical features named (rivers, creeks, channels, sloughs, points, eddies, headwaters, confluences; lakes; mountains, hills, rocks, caves; trails), (4) Categories of names (descriptive and metaphorical, flora, fauna, historical events, mythological events, material culture), (5) Unanalyzable or opaque names (6) Toponymy and land-use reconstructions, (7) Boundaries and borders, and (8) Conclusions.

APPENDIX A
WITNESS RESUME

John Thomas Ritter

Present position: Linguist and curriculum specialist, Dept. of Education, Govt. of Yukon Territory.

Education: B.A. 1966, Michigan State University
B. Sc., 1966, Michigan State University
Ph. D., 1970, Massachusetts Institute of Technology

Professional experience: 1970-75 - Assistant Professor, Dept. of Linguistics, Michigan State University
1975-present - Linguist and curriculum specialist, Dept. of Education, Government of Yukon Territory.
1973-75 - Consultant to Native Language Programmes, Dept. of Education, Government of the N.W.T.

Awards and Appointments: 1971-72, Assistant Editor, Journal of African Languages
1966-67, Woodrow Wilson Foundation Graduate Fellowship
1967-70, Danforth Foundation Graduate Fellowship
1973-74, National Endowment for the Humanities Postdoctoral Fellowship

Publications and papers: Topics in the Grammar of Peel River Kutchin, MIT Doctoral Dissertation (in preparation)
"Kutchin Place Names: Evidence of Aboriginal Land Use" (in preparation)
Review of A Grammar of Tera: Transformational Syntax and Texts, by Paul Newman. Language 48 (1): 200-206. 1972
"Efik Noun Tonology", a paper delivered at the 2nd Annual Conference on African Linguistics, March 1971, University of California, Los Angeles.

"The Hierarchy of Syntactic Categories in the Generative Phonology of Hausa", a paper presented at the 14th Annual National Conference of Linguistics of the International Linguistics Association, March 1969, New York City. (With J.B. Eulenberg, Stanford University).

"Discontinuous Negatives in Hausa", a paper presented at the Summer Meeting, Linguistic Society of America, July 1967, Ann Arbor, Michigan. (With J.B. Eulenberg, Harvard University).

"A Generative Characterization of the Subjunctive in Hausa", a paper presented at the 12th Annual Conference on Linguistics, sponsored by the Linguistic Circle of New York, March 1967, New York City. (With J.B. Eulenberg, Harvard University).

Also teaching materials for the Departments of Education for the Governments of the Yukon and the N.W.T. for the Loucheux and Northern Tutchone Athapaskan languages.

Speaking and/or
reading competence
in:

English, French, German, Spanish, Swahili,
Arabic, Hausa, Loucheux, Tutchone.

APPENDIX B

Reports, etc., referred to or relied on

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- Graham, Angus. 1935. The Golden Grindstone: The Adventures of George M. Mitchell. Toronto.
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Recent Land-use by
The Great Bear Lake Indians

Scott Rushforth
Department of Anthropology
University of Arizona

Paper Prepared For The
Indian Brotherhood of the N.W.T.
and
Netis Association of the N.W.T.
For Presentation To The
Mackenzie Valley Pipeline Inquiry
January, 1976

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Introduction.

The Bear Lake People, or 'Santugot'ine', derive their name from the lake at which they live. Their name reflects the fact that the ancestors of Bear Lake People occupied a territory which extends around the entire shore of the Great Bear Lake. The cultural affiliations of these people are with Slave, Hare, and Mountain Indians along the Mackenzie River and with Dogrib Indians south of Great Bear Lake. Their language belongs to the Athapaskan family and is a dialect of the "Slavey" language which is spoken throughout much of the Northwest Territories.

Today, the Bear Lake People have their houses at the Hamlet of Fort Franklin which is located near the mouth of the Great Bear River approximately 90 miles from the Mackenzie River settlement of Fort Norman. Like their ancestors, Bear Lake People must organize their way of life so as to cope with conditions imposed upon them by their subarctic environment. They must "adapt" to their environment and efficiently solve the problems of survival in their land. In addition, the Bear Lake People must cope with conditions increasingly imposed upon them by forces outside of their land. That is, they are faced with acts, objects, and events which originate in socio-cultural systems far from the Great Bear Lake and which, nevertheless, have a tremendous impact upon the Bear Lake People and their traditional way of life.

The most recent of these "outside" influences is the proposed Canadian Arctic Gas Pipeline - including construction of the gas pipeline itself as well as other associated projects. The Bear Lake People, faced by such development, recognize

that extensive changes in their way of life will be the likely result of these new outside pressures. They frequently discuss the effects of pipeline construction upon their land and the animals which still contribute substantially to their livelihood. They are concerned about the effects of development upon their traditional cultural and social values. And, they feel that many of the changes due to pipeline development will be harmful to their land, to themselves, and to their children.

One thing, in particular, which concerns the Bear Lake People is the "socio-economic impact" statement published by Canadian Arctic Gas and based upon research by Gemini North Ltd. The Bear Lake People disagree with statements made by Arctic Gas regarding the economic and cultural relationship which they have to their land and feel that Arctic Gas does not understand and has misrepresented the nature of Native Peoples' dependence upon their land. They are concerned that individuals in charge of making pipeline decisions who do not know the meaning of the "bush" to Native People will not be able to see what construction of the pipeline will do to the "Dene" way of life.

Because of this, I was asked by the Band Council of Fort Franklin and by the Indian Brotherhood of the Northwest Territories to investigate the way in which Bear Lake People are using their land today and to write a more complete report on this subject than was provided by Gemini North. Therefore, the purpose of this paper is to (1) establish the extent and intensity of recent land-use by the Bear Lake People and (2) to discuss and interpret such land-use by

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placing it within appropriate historical, cultural, and social contexts.

In order to obtain data required for this paper a combination of techniques was employed which included

(1) survey research, (2) intensive interviews with selected individuals, and (3) a review of pertinent records and literature. In addition, I have relied upon my own observations and experiences among the Bear Lake People during the period of May, 1974, to July, 1975, to aid in the interpretation and understanding of their use of the land.

The survey portion of this research was conducted in January, February, and March of 1975, when it was possible to interview 52 of 54 adult male household heads living at Bear Lake during the last five years. The primary task was to get an accurate picture of recent land-use by the Bear Lake People. However, data were also gathered concerning land area preferences and the manufacture of traditional cultural items. Some of the findings regarding these latter topics will also be presented in this paper.

Discussions with Bear Lake People regarding all of the topics covered in this paper were carried out prior to, during, and after completion of survey research. These discussions were essential in order to learn enough about Bear Lake history, culture, and society to understand recent land-use among these people. Without such context, numerical indices lose a great deal of their meaning and it becomes very difficult to evaluate their significance. Also, by employing this kind of feedback relationship between extensive and intensive techniques it was possible to verify the accuracy

Page 4

of the information upon which this study is based.

In the collection of data for this paper I was assisted by Malo Bewule, fieldworker for the Netis Association of the Northwest Territories; Fibbie Tattl, fieldworker for the Indian Brotherhood of the Northwest Territories; and by Steve Iveson, Community Development Worker for the Indian Brotherhood of the Northwest Territories. I greatly benefitted from discussion with Malo, Fibbie and Steve regarding the various aspects of this study. Acknowledgement is also gratefully given to the Band Council and the People of Fort Franklin who cooperated fully during the research period. Finally, acknowledgement is gratefully given to Ellen B. Basso, Keith H. Basso, Thomas McGuire, and William Hobson who read and commented upon an earlier draft of this paper. Some of their comments have been incorporated below. However, I retain full responsibility for the descriptions and interpretations provided in this paper.

Financing for this project was provided jointly by the Indian Brotherhood of the N.W.T. and Netis Association of the N.W.T.

1. Recent land-use by the Great Bear Lake People.

The purpose of this section is to establish the extent and intensity of recent land-use by the Bear Lake Indians. This will be done by describing, briefly, the major kinds of land-use activities of these people and by providing various numerical indices of such activities, including a final statement of income derived from the land. At least three things should be apparent after reading this section: (1) The Bear Lake People, in spite of tremendous changes which have occurred in their way of life, still derive an important if not critical portion of their food-stuffs from their land. (2) A significant percentage of the Bear Lake People still engage regularly in traditional land-use activities. And (3) almost the entire area of land which was occupied by the ancestors of the Bear Lake Indians is still utilized, to some extent, by the Bear Lake People today. Numerical indices employed in the description of land-use by the Great Bear Lake People are based primarily upon the survey mentioned in the introduction to this paper. In all, 52 of 54 adult male household heads living at Fort Franklin during the past five years were interviewed. Adult male household heads were chosen for this survey since, in most instances, these men are the individuals who provide household income. Also, when women go to the bush it is normally with their husbands; when young men go to the bush it is normally with their fathers or grandfathers. For example, in August of 1974, on the community caribou hunt 18 of the adult male household heads who participated in that hunt were accompanied by their wives, older sons, and

younger children. Further, whenever a man sets nets at Fort Franklin, his sons or grandsons will also check those nets. This means that, although women and unmarried men were not interviewed regarding their land-use activities, the indices in this paper provide a relatively accurate representation of land-use by families at Bear Lake. It would be appropriate if, when an index is constructed using "adult male household heads" as basic units, the reader will interpret this to mean "number of family units".

1.1 Trapping

Mid-October to Christmas and January to February are times for trapping around the Great Bear Lake. The most intensive period of trapping is during November and December. With fewer men going to the bush after the New Year. At the Bear Lake, the most important fur-bearing animal is the marten with fox (all species), lynx, and other animals also of importance.

When a man from Fort Franklin goes into the bush to trap nowadays he normally leaves his family behind in Fort Franklin and travels with a friend or relative. He must outfit himself with traps, clothing, snow shoes, guns (a .22 and 30-30), a tent and stove, a bed roll, a snowmobile or dogs, a toboggan,

Two exceptions to this are bird hunting and rod and reel fishing - which are very popular among younger men. They engage in these activities among themselves and as often as possible. Birds and fish taken by young men are contributed to their families. It was possible to get at least a reasonably accurate estimate of the extent of and income from these activities. These findings are presented below.

a fish net, sundry tools and utensils, and food; especially tea, flour, sugar, and lard. His total investment will normally be in excess of \$1,800.00.²

In addition to those men at Fort Franklin who trap on a full-time basis, there are a number of men who have jobs, or some other reason for remaining in Fort Franklin, who trap part-time. These men usually have a snowmobile for rapid transportation to their week-end camps and trap lines which extend as far as 30 miles from Fort Franklin. By trapping every week-end, they are able to supplement their wage-labor incomes with some fur sales; catch a few rabbits with snares; shoot a few ptarmigan or grouse; and bag an occasional woodland caribou (at least three this winter). Perhaps more important than this, however, these men, through such activity, remain attached to a bush-oriented life style. Such part-time trapping makes the Fort Franklin region quite important in the total pattern of trapping.

Other areas which have been trapped extensively during the last five years include the Edacho--Mackintosh Bay--Tututut region, the Johnny Hoe River region, and the Whitefish River region (cf. Map 1.B, p. 38).

² Bear Lake men do not, of course, make this total investment every trapping season as many of their goods are useable for a number of years. It is very important to realize, however, that the cost of capital goods required by them for their subsistence activities is very high. The fact that Bear Lake men continue to invest in such capital goods is in itself an index of the importance to them of a bush-oriented life. Along this same line, it is essential to note that many Bear Lake men view wage labor, not as a permanent alternative to traditional land-use activities, but solely as a means of obtaining the tools they require in the bush. As one man put it, "I'm not working for money, but for a boat and kicker so that I can feed my family".

If a man is using dogs while trapping he will normally leave Fort Franklin somewhat earlier than if he has a snowmobile and will set his camp near a fish lake such as Tututut or near the mouth of a river such as Johnny Hoe River. In this way, he can set nets, take advantage of the late October runs of whitefish, and be assured of food for both himself and his dogs. The length of time he keeps his nets in the water depends upon the productivity of his nets and upon his own requirements in the bush. His own needs depend upon how many dogs he has and upon the length of his stay on the trap line. He will keep his nets in the water until he has enough fish for himself and his dogs and, perhaps, to send a number of fish back to Fort Franklin. For example, men who trapped at Johnny Hoe River in November and December of 1974 fished long enough to feed themselves and at least 12 dogs and to send approximately 1000 whitefish, that is, over 3000 pounds of whitefish, back to Fort Franklin. In addition to fishing while on their trap lines, men are able to spend time hunting for moose and woodland caribou. Of course, whenever men check their traps they carry a gun with them. In this way, during the 1974 - 1975 trapping season at least ten woodland caribou and four moose (in addition to those caribou killed by part-time trappers) were taken by the Bear Lake People.

Table 1.1.a. Number and percentage of adult male household heads trapping by year during the years 1970-71 to 1974-75.

Year	No. of men	% of total (n=52)
1970-71	31	60%
1971-72	29	56%
1972-73	35	67%
1973-74	35	67%
1974-75	28	54%

Source: field data

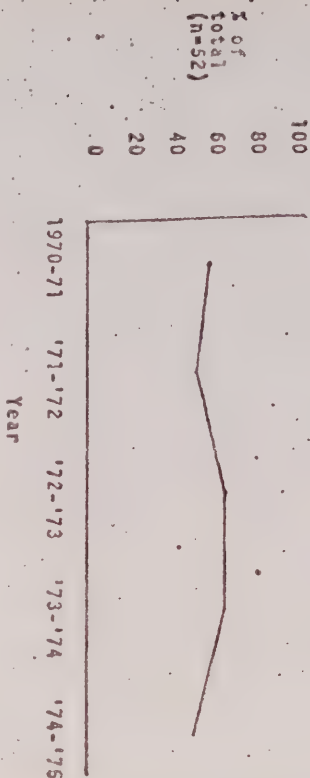


Figure 1.1.a. Percent of total adult male household heads trapping by year during the years 1970-71 to 1974-75.

Source: field data

Table 1.1.b. Approximate number of fur-bearing animals taken by the Great Bear Lake People during the 1972-73, 1973-74, and 1974-75 trapping seasons.

Species	1972-73	1973-74	1974-75*
Lynx	21	14	4
Marten	1148	1315	931
Mink	132	50	19
Bear	4	1	-
Black Fox	1	-	-
Red Fox	11	22	10
White Fox	4	8	24
Cross Fox	3	18	11
Silver Fox	1	1	1
Muskrat	35	2	1
Kolverfine	1	-	-
Beaver	142	22	5
Wolf	9	1	1

Source: Game Management, Government of the North-West Territories.*Field Notes; Fur Records from Hudson's Bay and Great Bear Co-op.

Table 1.1.c. Fur sales at Fort Franklin during the 1972-73, 1973-74, 1974-75 trapping seasons.

Year	Sales Total
1972-73	\$28,397.00 (Fur Export)
1973-74	40,363.40
1974-75	21,707.45 (Not including spring beaver hunt, 1975)

Source: Game Management, Government of the North-West Territories. Field Notes.

* These figures do not contain fur retained by trappers for their own use. Most wolverine and wolf are not sold. At least 25% of the beaver taken are not sold. Some lynx and fox are not sold.

1.2 Caribou Hunting

Traditionally, Bear Lake People relied upon caribou, especially the barren-ground caribou, for a large portion of their food as well as for many of their technological needs. Hides were used for clothing, tents, bed rolls, babiche, and for many other things. Caribou bone was used to make many different kinds of tools. Today, Bear Lake People utilize Western clothing, shelters, and tools. However, caribou is still essential as a source of food and as a source of hides for mittens, footwear, babiche, and handicrafts.

There are essentially two kinds of caribou hunting which take place at Bear Lake today: (1) community-organized hunts for barren-ground caribou during the spring and summer and (2) individually-organized hunts for both species of caribou at all times of the year. Community-organized barren-ground caribou hunts (which have been supported by Game Management, Government of the Northwest Territories), have occurred in February and March and in August during the years under consideration and have normally lasted from three weeks to one month. Spring caribou hunts have been by snowmobile and dog team to the Hotah Lake and Caribou Point regions at the east end of the lake with the exceptions to this in 1971 and 1974, when men from Fort Franklin joined men from Fort Norman on hunts to the Colville Lake and Kilekale Lake regions, respectively. Summer caribou hunts have been by canoe to the North Shore of Great Bear Lake (cf., Map 1.8, p.38).

During the spring and summer hunts, men shoot caribou

for both the community freezer and for themselves. Community meat is transported by bombardier, by the community's large fishing boat, and by chartered aircraft. Individual hunters' meat is transported by the hunter in his own toboggan or canoe.

In February and March of 1975 two trips to the east end of the lake for caribou were made. The first of these was to Caribou Point for ten days and involved five men. The second was to the Port Radium region for three weeks and involved 27 men. On these hunts, Bear Lake People took at least 165 barren-ground caribou and three moose. Approximately 90 of the caribou were placed in the community freezer for distribution among all of the Bear Lake People with the remaining 75 going to individual hunters' families.

During August 1974, approximately 25 men (many of them with their wives and children) went to McGill Bay on the North Shore of the lake to participate on the summer hunt. Not only was this hunt viewed as a chance to obtain food, but also as an opportunity for many of the men to take their families out onto the land. While men went hunting each day, women remained in camp to scrape and tan hides, to make dry meat, and to tell stories to their children. When all of the men went out together for two day's hunting 50 miles east of McGill Bay, women and children took over the entire operation of the camp; including getting fire wood and hunting partridge. In all, approximately 120 caribou were taken in spite of the fact that hunting was cut short by a week or ten days.

Individually-organized caribou hunting for both barren

Ground and woodland caribou takes place very frequently among the Bear Lake People. Two, three, four or more men will hunt together on their own initiative at places all around the Bear Lake. In summer, men take advantage of the fact that woodland caribou often come down to the shore of the Bear Lake to escape from flies and mosquitoes in the bush. While traveling along the shore in canoes, towards Grizzly Bear Mountain, for example, men can hunt these caribou very conveniently. By taking their fishing poles along with them on such trips men can bring back to their families ten or 20 lake trout in addition too or in place of caribou. At least six woodland caribou were taken in this way during the summer of 1974 prior to the community hunt.

Individually-organized caribou hunting also takes place during the fall and winter while men are trapping. When checking their traps, men often run across fresh caribou tracks and, if weather and conditions are right, immediately set out after the caribou. If they are able to shoot an animal, trappers eat some of the meat themselves, but send much of it back to Fort Franklin to feed their families.

Table 2.4. Numbers and percentages of adult male household heads participating in community caribou hunts by year during the years 1970-71 to 1974-75.

Year	# of men on summer hunt	# of men on spring hunt	# of different men on at least one hunt	% of total population on at least one hunt (n=52)
1970-71	2*	8	10	19%
1971-72	1*	11	12	23%
1972-73	15	12	24	46%
1973-74	13	8	19	37%
→ 1974-75	26	27	36	69%

* these men were accompanied by others not included in our survey

Source: field data

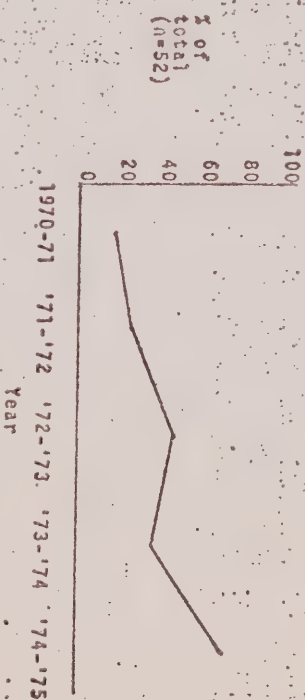


Figure 1.2-a. Percent of total adult male household heads participating in at least one community caribou hunt per year during the years 1970-71 to 1974-75.

Source: field data

Table 1.2.b. Approximate number of caribou taken on community hunts by year during the years 1970-71 to 1974-75.

Year	Summer Hunt	Spring hunt	Total
1970-71	50	150 (Coyville Lake)	200
1971-72	45	140 (Kilekale Lake)	185
1972-73	150	200	350
1973-74	250	40	290
1974-75	120	165	285

Source: field data

1.3 Spring Beaver Hunting.

During May men from Fort Franklin go to inland rivers and lakes to hunt with .22's for beaver and muskrat. On the spring beaver hunt they can get fur to sell and there is plenty of meat to eat. Camp is not necessarily set near a fish lake since there are beaver, muskrats, and water fowl for food. Meat which is not consumed in the bush is dried and brought back to Fort Franklin in pack sacks.

Like trapping, spring beaver hunting is now an activity almost exclusively for men. School is still in session so women normally stay in Fort Franklin with their children. Men travel together as partners with other men or with their older sons. A man and his partner hunt together or separately but divide their kill of beaver between them so that nobody is "short".

Areas which have been very important for spring beaver hunting during five years under consideration (cf. Map 1.8, p. 38) include the Tutlatut region, the Whitefish River region, the Johnny Hoe region, and the Porcupine River region. Men select their locations for beaver hunting on the basis of (1) a knowledge of the land, (2) signs of beaver seen during the previous trapping season, and (3) a knowledge of where and when other hunters have been during the recent past. For example, one man told me that he is going to a new spot (east of Whitefish River) this year (1975) since he saw a lot of beaver sign there this winter and knows that no one hunted there last year.

When men go on the spring beaver hunt at the first of

May they are able to travel easily since snow and mud in the bush, regardless of any melting that might occur during the day, freeze solidly each evening. By the end of May, however, snow is gone from the bush and travel is normally by foot along wet trails. While in the bush, some men build small "rat" canoes for hunting along creeks and use these for their trip home. Even then, however, travel is more difficult than in the winter.

Table 1.3.a. Numbers and percentage of adult male household heads participating in spring beaver hunts by year during the years 1970 to 1974.

Year	No. of men	% of total (n=52)
1970	26	50%
1971	24	46%
1972	36	69%
1973	24	46%
1974	11	21%

Source: field data

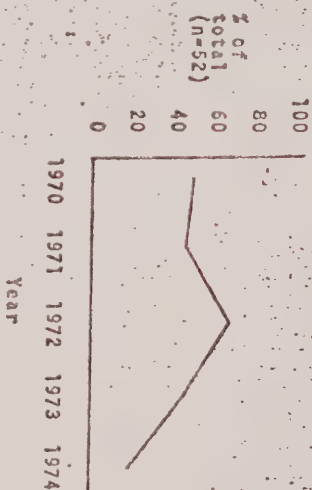


Figure 1.3.a. Percentage of adult male household heads participating in spring beaver hunts by year during the years 1970 to 1974.

Source: field data

1.4 Fishing

Fishing is, and always has been, a major source of food for the Bear Lake People. For eight or nine months of the year, depending upon ice conditions, they are able to set nets and catch very large numbers of lake trout, whitefish, herring, and grayling. Such fish are used for human consumption, but also provide the bulk of food for dogs. The amount of fishing a man does is tied to both his own needs and the number of dogs he owns; the more dogs he has, the longer he will keep his nets in the water.

Fishing while trapping has already been described above. Such fishing occurs at Johnny Hoe River, Mackintosh Bay, Deeppass Bay, Good Hope Bay, and fish lakes such as White Water Lily Lake, Tutatut, and Lost Hill Lake. Late October, November, and December are the months of the year for this fishing and it is primarily for whitefish.

Fishing in the Great Bear Lake in the vicinity of Fort Franklin occurs throughout the entire year except during the times of freeze-up and break-up. Men fish at Fort Franklin primarily for lake trout and herring. During the months from December to May men fish for trout and herring under the ice using gill nets for both kinds of fish and set hooks for trout. Trout productivity is down during these months but large numbers of herring are caught by men setting nets near the mouth of the Great Bear River which remains free of ice throughout the winter.

During May those men who have nets under the ice watch the ice and weather closely so they can remove their nets

before the ice gets too thin and breaks up. Men with nets by the Bear River must take them out relatively early since flowing water there melts the ice quickly. By the first or middle of June all nets and hooks are out of the water and ice is rapidly leaving the lake. By early July the ice is normally gone and men reset their nets in the open water.

From July to September trout productivity is up and men catch hundreds of these large fish in nets and on hook lines. Herring nets are set close to the shore but fewer of these fish are caught than in the winter. During this time men also fish, nowadays, for trout and grayling with rod and reel. In July especially a trip to the Bear River by canoe can result in fifty or a hundred grayling. Trolling for lake trout within ten or fifteen miles of Fort Franklin is not only enjoyable, but normally results in ten or 20 fish per boat.

Bear Lake People also make seasonal trips to places such as Deeppass Bay, Russell Bay, Caribou Point, and Johnny Hoe River (cf., Map 1.8, p.38) for the purpose of setting nets and establishing fish camps. All of these places were very important in the past to the Great Bear Lake People (as were places such as Bydand Bay, Mackintosh Bay, Dease Bay, and Samml Bay) as fisheries and as locales of relatively continuous occupation and use. During trips to these places men can catch hundreds of fish in a very short time. For example, in June of 1974 men went by snowmobile to Russell Bay, set three or four nets for three days, and returned to Fort Franklin with approximately 1000 trout and whitefish.

If a man and his family set up a fish camp in one of these places, they can dry a great quantity of fish during their stay.

Table 1.3.a. Approximate number and percentage of adult male household heads setting at least one net in the vicinity of Fort Franklin by year during the years 1970-71 to 1974-75.

Year	No. setting nets	% of total (n=52)
1970-71	27	52%
1971-72	25	48%
1972-73	28	54%
1973-74	27	52%
1974-75	28	54%

Source: field data



Figure 1.3.a. Percentage of adult male household heads setting at least one net in the vicinity of Fort Franklin by year during the years 1970-71 to 1974-75.

Source: field data

Table 1.4.b. Approximate number and percentage of adult male household heads setting at least one net while trapping or at fish camps by year during the years 1970-71 to 1974-75.

Year	No. setting nets	% of total (n=52)
1970-71	20	38%
1971-72	20	38%
1972-73	22	42%
1973-74	18	35%
1974-75	14	27%

Source: field data

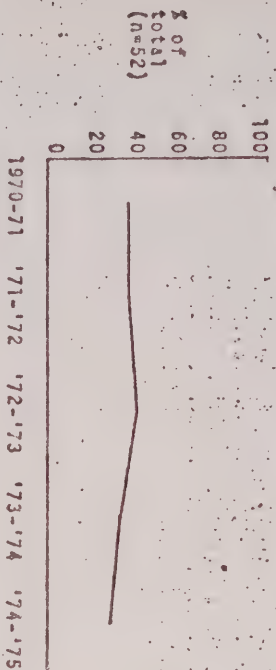


Figure 1.4.b. Percentage of adult male household heads setting at least one net while trapping or at fish camps by year during the years 1970-71 to 1974-75.

Source: field data

Table 1.4.c. Approximate numbers of fish taken by Bear Lake People during the year 1974-75.

Type of fishing	Approximate number of fish by species			
	Trout	Whitefish	Herring	Grayling
Nets at Fort Franklin	4400-6600	some	37,500-60,400	some
Fishing while trapping	some	6100	some	-
Fish camps	250-500	1500-3000	some	3000-450
Rod & reel	3000-3750	-	-	-
Set hooks	550-600	-	-	-
Total	8200-11,450	7600-9100	37,750-60,400	3000-450

Source: field data

Estimates in the above table are, in general, conservative. They are based upon a knowledge of where, when, and how long men at Franklin fished during 1974-1975, plus a knowledge of fishing productivity. Estimates of fishing while trapping are based upon figures kept by Charles Bloomquist of Fort Franklin who accompanied three men to Johnny Hoe River from October to December, 1974.

1.5. Moose Hunting.

Moose hunting among the Bear Lake People takes place most often while men are trapping or caribou hunting.

However, men also go to the bush specifically to hunt moose during the fall and winter. In September of 1974, for example, six men made a five day trip to Grizzly Bear Mountain to hunt moose and set nets. They returned with two moose, a load of fish, and about 100 ducks. In February of 1975, at least five trips for moose were made around the Bear River and towards Whitefish River. On these hunts, seven moose were taken. In all, 17 moose were taken by Bear Lake People during the year of 1974-1975.

Areas around the Bear Lake which are used for moose hunting include Johnny Hoe River, Grizzly Bear Mountain, Great Bear River, Porcupine River, and Whitefish River. (cf. Map 1.8, p. 38).

1.6 Bird Hunting.

Great Bear Lake People, although not relying to any great extent upon bird hunting, do take a certain number of ducks, ptarmigan, and grouse for food. Such birds provide a welcome

break from their normal diet of fish, caribou, and store-bought food. An estimate of the number of birds taken during

the year of 1974-1975 is as follows:

Ducks:	1500 - 2000.
Ptarmigan:	750. - 1100.
Grouse:	250 - 350.

1.7. Trends in Participation by Bear Lake People in Traditional Land-use Activities During the Years 1970-71 to 1974-75.

It is important at this point to discuss certain facts which have become apparent thus far. These facts will be even more obvious if they are summarized in an additional table. Table 1.7.1, provides a summary of the extent to which Bear Lake men participated during the years 1970-71 to 1974-75 in the four primary kinds of land-use activities discussed above. In addition, this table provides a general index to land-use during the same period. This index is constructed as follows. Since each man in the survey sample (of which there were 52) could possibly participate in four different kinds of primary land-use activity each year, there is a total of 208 ($52 \times 4 = 208$) possible units of land-use activity for adult male household heads during any given year. By totalling the number of different kinds of activities in which these men, in fact, participated during a given year and computing that figure as a percentage of the total possible units of activity, one obtains a figure which can be used as an index of general or overall traditional land-use at Bear Lake. By computing such percentages for each of the five years under consideration, general trends in traditional land-use at Bear Lake can be discovered.

Table 1.7.1. Summary of participation by adult male household heads in four primary kinds of land-use activity for the years 1970-71 to 1974-75.

Year	No. of men trapping	No. of men hunting (barren ground)	No. of men spring beaver hunting	No. of men fishing	Total (actual) participation in activities	Total possible participation (n=52x4)	% actual of possible
1970-71	31	10	26	27	94	208	45%
1971-72	29	12	24	25	90	208	43%
1972-73	35	24	36	28	126	208	61%
1973-74	35	19	24	27	105	208	50%
1974-75	28	36	11	20	103	208	49%
Five Year Total					618	1040	59%

Source: field data

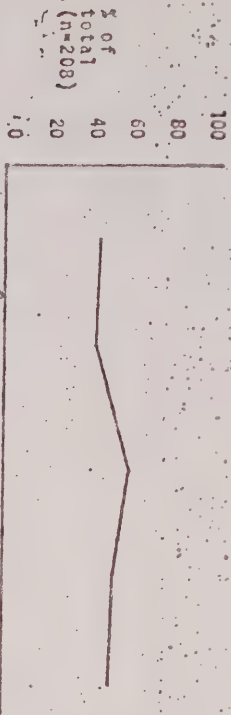


Figure 1.7.1. Actual participation as a percentage of possible participation by adult male household heads in four primary kinds of land-use activities during the years 1970-71 to 1974-75.

Source: field data

Table 1.7.1. and Figure 1.7.1. summarize much of the numerical information thus far contained in this paper.

Through all of this information the following facts have become obvious. First, although the number of men who trap each year has remained relatively constant, there has been a decline in the number of fur-bearing animals taken during the years 1972-73 to 1974-75 (cf., Tables 1.1.b. and 1.1.c.). Second, there has been a significant increase during the five years under study in the number of men participating in community organized caribou hunts. Third, there has been a recent decline in the number of men participating in the spring beaver hunt. Fourth, there has been no significant change in the number of men fishing during the five year period. Finally, and most important, there has been no significant general or overall downward trend during the years 1970-71 to 1974-75 in the participation by Bear Lake men in traditional land-use activities. Each of these facts requires brief discussion.

That the take of fur-bearing animals has declined with no apparent decline in the number of men trapping can be explained by considering, among other things, the length of time men are spending on their trap lines. Put simply, fewer Bear Lake men are trapping full-time and fewer men are returning to the bush for January and February trapping after spending Christmas in Fort Franklin. This, in turn, can be explained by reference to the existence of low fur prices and the general nature of the fur trading economy. That is, trapping has become less profitable in the recent past; hence, Bear Lake men have put less effort into this activity.

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In light of this fact, it is very important and significant that the number of Bear Lake men who trap, at least part-time, has not decreased. The explanation for this resides in the existence of additional motivations or values which these people attach to participation in bush-oriented activities. This topic will be discussed in the final section of this paper.

The second fact noted above is that the number of men participating in caribou hunts (for barren-ground caribou) has increased during the years under consideration. This can be related to the following factors. First, an undiminished value attached by Bear Lake men to traditional land-use activities continues to provide them with the motivation to participate in these hunts if at all possible. Second, the availability of and acceptance by Bear Lake men of new kinds of technology (e.g., chartered aircraft) and new kinds of organization (e.g., hunting groups organized by the Band Council and Hamlet Trappers Association) has increasingly enabled them to efficiently exploit caribou herds hundreds of miles from Fort Franklin. Third, support from Game Management has provided the capital required by the Bear Lake men to pay for, among other things, transportation costs.

The third fact mentioned is that there has been a decline in the number of men participating in spring beaver hunting. This relates directly to the declining price of beaver pelts during the 1974 and 1975 seasons. It is essential to note, however, that many men who have not gone beaver hunting during these years have replaced this activity with another traditional land-use activity which is not represented in the numerical

indicates in this paper. Specifically, many men who have now gone beaver hunting have established fish camps during the spring of the year. These men have not been included in Table 1.4.b. since all of them set nets either while trapping or at other fish camps during the years 1973-74 and 1974-75. Table 1.4.b. lists the number of men setting at least one net while trapping or at fish camps, but does not provide the actual number of different fish camps established by these men. For example, during spring of 1974, six men established fish camps rather than going beaver hunting. If these men are included with the 11 who hunted beaver, the total number of men participating in "spring activities" becomes 17; conversely, in part, the noted decrease in spring beaver hunting. Rather than discontinue all land-use activities in face of low fur prices, Bear Lake men have substituted additional fishing, which constitutes the foundation of their traditional subsistence economy, for beaver hunting, which is less secure and subject to the fluctuations in world fur prices.

The fourth fact listed is that there has been no significant change in the number of men fishing during the years 1970 to 1974-75. Fishing, simply, continues to be a dominant activity of the Bear Lake men and continues to provide tremendous amounts of food for these people.

The fifth and final fact is that there has been no general or overall decrease in the numbers of Bear Lake men participating in traditional land-use activities. Based upon the indices in this paper, Bear Lake people are simply not abandoning their traditional means of making a living.

The most important point to establish regarding the area of land used by the Bear Lake People is as follows:

Although the Bear Lake People no longer live in small

dispersed groups throughout their land at places such as.

Johnny Hoe River, Caribou Point, Dease Bay, Bydand Bay, and

Mackintosh Bay they continue to use all of these and other

locations for their hunting, trapping, and fishing. At many

of these locations cabins have been built and camps are

maintained for seasonal use throughout the year. For example,

at Johnny Hoe River there are six cabins which are used every

year during the trapping season, during the spring beaver

hunt, and during major fish runs. Referring, to some extent,

the Great Bear Lake People continue to use the entire area

of land inhabited by their ancestors and by themselves only

25 years ago. Every year Bear Lake People have trapped through-

out their land, hunted caribou at the North Shore and around

Hottah Lake, and fished at Fort Franklin, Deerpass Bay,

Johnny Hoe River, and Mackintosh Bay.

One of the more interesting results of the survey which

we conducted relates to this question of area used by the

Bear Lake People as well as to ideas discussed in the final

section of this paper. A list of place names was provided

to men and they were asked to rank order those places accord-

ing to their "usefulness" or economic "importance". After

they had ranked the places they were asked to explain, "How

come it's useful?". What is interesting about the results of

this question is that the task of ranking areas of land, i.e.,

of saying one place is more "useful" than another place,

proved to be a very difficult and essentially foreign task

for many of the Bear Lake men. Their difficulties in rank-

ing their land in terms of economic value derives from the

irrefutable fact that all of their land is useful and

important to them. Almost invariably, men initially responded

to this question in terms similar to the following examples:

These are all good places. They are all good places for

fishing and for hunting. They are good places for fish

camps. People go to every one of these places and talk

about them all the time. (Statement translated by

Malu Bewule)

It's all useful to me because I hunt on it and I fish

on it and that's our way of survival. (All of this)

land is very important to us. We don't grow fruits

nor vegetables and what we survive on is what we get

from this land. I like to live in all these places.

I like trapping, hunting and traveling at all of these

places so I can't say I have a preference. The seasons

and the animals change so we can't decide (once and

for all on a single preference). So I think and I know

that we need all of the land. (Statement translated by

Fibbie Tattle)

The whole Bear Lake is useful. All of these places are

important to me because I know all of them. All of

the bays on the shore of the lake are good for fishing,

trapping, and hunting. Wherever I want it was good

for hunting and trapping. Lots of people stay at and

use each of these places. (Statement translated by

Malu Bewule)

This land is all important to us. It's all we have

for our children. Animals and fish go by seasons -

they travel all over. It's difficult to predict what

it's going to be like (at one place) this year or

that year so all of these places are important to us.

I can't choose because it's all important. (Statement

translated by Fibbie Tattle)

These statements typify the initial responses to attempts

to have the Bear Lake men rank their land according to its

usefulness. Specifically, they found it difficult to do so

since (1) all of the places mentioned on our list are used

by the Bear Lake People - all of the places mentioned are

considered to be important hunting, trapping, and fishing locations. And, (2) the characteristic nature of animal and fish populations makes it very difficult to determine definitively the most productive locations through time.

Two of these characteristics were mentioned in the above quotations and are known by all of the Bear Lake men: (A) different kinds of animals and fish occur in different places at different times of the year. And, (B) animal and fish populations vary, at any given location, according to natural cycles and the extent to which they are exploited by men.

The first of these facts is one of the most important characteristics of the Great Bear Lake environment and has always influenced the way in which Bear Lake People have made their living from the land. Caribou are abundant at the North Shore in August and at the Colville Lake and the Hatch Lake regions in February and March. Whitefish run at Johnny Hoe River, Deerpass Bay, Mackintosh Bay, and Byland Bay during the spring and fall. At Caribou Point there is a place at which whitefish are available all winter since that place never freezes over. At Fort Franklin herring are available throughout the winter (so much so that Sir John Franklin chose this place as his winter base camp). At Grizzly Bear Mountain and Porcupine River moose hunting is prime during the fall. Lakes in the bush break up in May and June so that

it is important to note here that the places listed on the questionnaire weren't necessarily chosen because all of them were known to be important hunting, trapping, and fishing locations (in fact, it was discovered that at least two of the most important areas were not listed) but primarily because of their distribution around the lake.

ducks and beaver are available each spring. And, trout occur all around the Bear Lake throughout the summer. It is just this kind of diversity and seasonal availability of animal and fish resources which in the past favored high mobility and flexible group structure among the Bear Lake People (cf., section two of this paper) and which makes it hard, today, for them to rank-order locations according to usefulness. In over-simplified terms, the fact that people obtain whitefish and trout at Johnny Hoe River and caribou at the North Shore makes any comparison between those locations very difficult. The decision becomes one of ranking fish in terms of caribou and that is simply an impossible decision to make by people who view both resources as absolutely essential.

The second characteristic of animal and fish populations which hinders the ability of Bear Lake men to rank locations according to usefulness is that such populations vary at any given location, according to natural cycles and human exploitation. Bear Lake People know, for example, that areas can be used too much if too many men go to the same location year after year. This was explained by one Bear Lake man who was talking about beaver hunting. He emphasized that it's no good when too many people go together to one place because all of the beaver get killed but no one man gets very many. He said that it's better when only a few men go together to a lot of different places. He also explained about keeping track of where other men go so that a man can know where people haven't been for a few years and will know where there might be a lot of beaver.

Knowing about local variation in animal and fish populations and about the effects of over-utilization of particular areas, the Great Bear Lake People are able to practice a traditional form of game management. They avoid continuous use of particular areas by large number of people and, hence, insure themselves of animals and fish for the future. ⁴ In their overall pattern of land-use, areas are allowed to remain "fallow" for periods of time while other areas are being utilized. Such a pattern of land-use makes it very difficult to select some areas over others since each location has its importance in the greater system.

Bear Lake People, then, know that different animal and fish populations occur in different places at different times of the year and that specific locations vary in productivity on a year to year basis. It is difficult for them to rank areas according to usefulness because they know that, in the long run, all of those locations and the associated resources are essential to the way in which they use the land.

Once statements were made such as those quoted above, a lot of men named three, four, or five places which they consider especially important. It is apparent, however, that they were not, for the most part, ranking locations according to the degree to which those locations possess the

⁴One possible exception to this is fishing at Fort Franklin, where nets are in the water during all possible times. As a result of this there has apparently been a noticeable decline in the productivity of this fishery during the last twenty years.

characteristic, economic "usefulness", but were merely listing a few locations which are "good for" them, as individuals, for varying reasons. One man mentioned Johnny Hoe River, Grizzly Bear Mountain, and Hottah Lake as being very important for him because: "These are the places I have spent most of my life. That's why I like them real good. These places are real good for making a living." Another man cited Mackintosh Bay, Deerpass Bay, Russell Bay, and the North Shore saying, "That part of the country (is real important to me) because most of my ancestor's graves are there. There is lots of game there, too. The land is pure there, too, and that's where I was raised." Still another man spoke of Bydand Bay and Whitefish River because, "These places are good for everything. I have found everything there. I don't need to go to other places because I know (Bydand Bay and Whitefish River) real good."

The Bear Lake men, then, had difficulty ranking different areas within their land for reasons relating to the relationship these hunters, trappers, and fishermen have to their land and to the nature of the animals and fish from which they make their living. These same kinds of things have been found by other anthropologists to be true for other people who derive a good deal of their income from animal and fish resources. People who live by hunting and fishing normally require much larger areas of land than do agriculturalists. They must, through various socio-cultural mechanisms, balance their exploitation of animal and fish resources by distributing their efforts properly throughout their land.

From all of the information collected concerning various subsistence activities of the Bear Lake People during the years 1970-71 to 1974-75 it is possible to provide a fairly accurate picture of the extent of land area used during that time. This data can be presented in map and table form and requires little additional interpretation. It is important to emphasize, however, that the data summarized here represents a five-year period only and must be viewed in light of what was stated above. That is, (1) different kinds of animals and fish occur in different places at different times of the year and (2) animal and fish populations vary according to natural cycles and human exploitation at any given location. By merely reporting those locations at which Bear Lake People have engaged in traditional land-use activities during a five year period, this paper is, in all probability, not representing the total area of land used at Bear Lake. For example, men have not hunted intensively for beaver in the Porcupine River area during the last three or four years. The reason for this, however, is because a number of men hunted beaver there for three or four successive years immediately preceding this period. Since the data which was collected does not accurately represent the manner in which Bear Lake men have allowed this and other areas to remain fallow during these five years, the total pattern or system of land-use at Bear Lake cannot be depicted. However, data reported here does provide some idea of the distances Bear Lake People travel in order to distribute their efforts over their land.

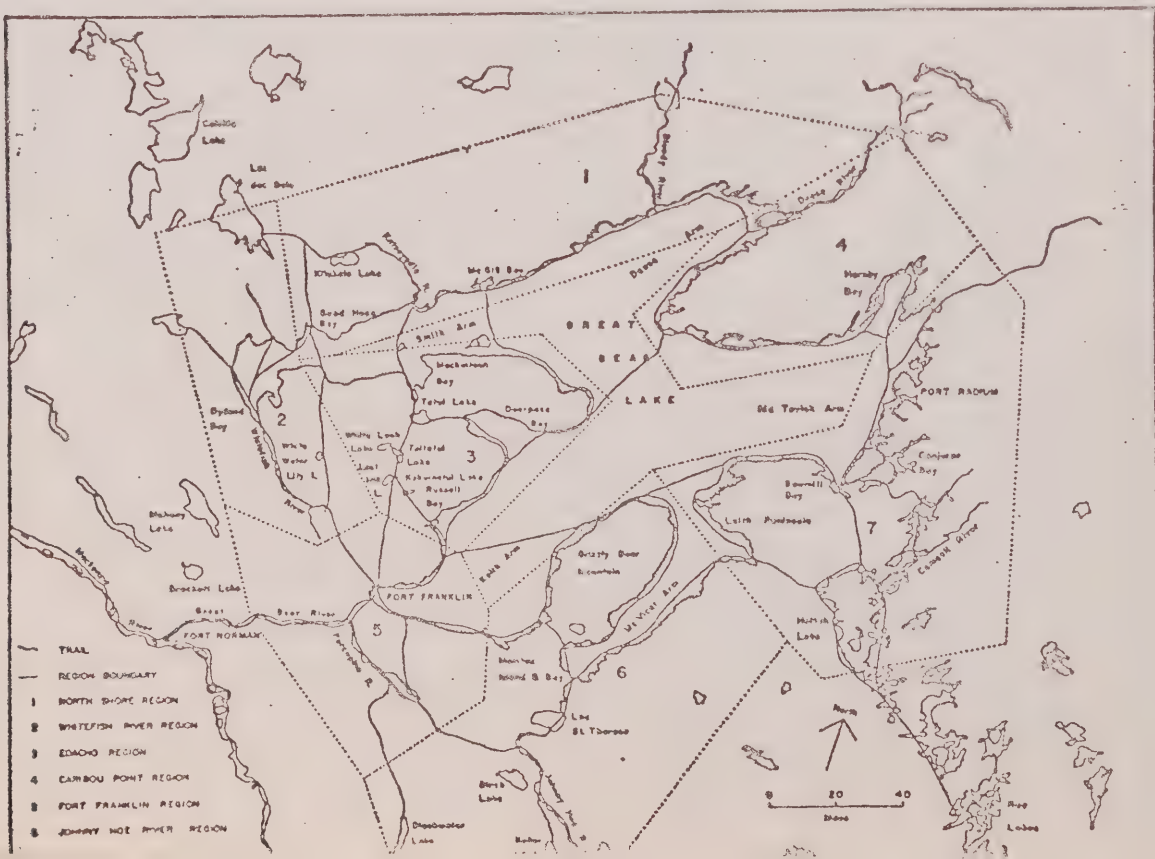


Table 1.8. Major areas at which adult male household heads have engaged in principal subsistence activities during the years 1970-71 to 1974-75.

Area Name	Activity			
	Fishing	Caribou hunting	Moose hunting	Spring trapping hunt
Hackintosh Bay	X	X (M)*	X	X
Deerpas Bay	X	X (M)	X	X
Russell Bay	X	X (M)	X	X
Tutiatut Area	X	X (M)	X	X
North Shore	X	X (B)	X	
Colville Lake				
Area				
Fort Franklin	X	X (B)	X	X
Area				
Bear River	X	X (M)	X	X
Whitefish River	X	X (M)	X	X
Bydand Bay	X	X (M)	X	X
Johnny Hoe River	X	X (M)	X	X
Erizly Bear Mt.	X	X (M)	X	X
Hantou Is. Bay	X	X (M)	X	X
Mcicar Arm	X	X	X	X
Hottah Lake	X	X (B)	X	
Port Radium	X	X (B)	X	
Caribou Point	X	X (B)	X	
Blackwater Lake				
Brackett Lake				
Mahony Lake				

* (M) = Woodland caribou

+ (B) = Barren-ground caribou

Sources: field data

1.9. Estimate of income derived from the land by the Great Bear Lake People during the year 1974-1975.

It is difficult to estimate with a high degree of accuracy the amount of income people derive from hunting, fishing, trapping, and other traditional economic activities such as the manufacture of clothing and tools. To make such estimates requires, among other things: (1) detailed records of production, exchange, and consumption for extended periods of time and (2) a means of converting income derived from such activities to some common scale of value such as dollars per unit. Both of these requirements present difficulties or problems. In the first place, unlike income from wage labor, it is hard to keep track of all of the income people derive from their traditional (land-use) activities. More or less accurate estimates of this are all that can be hoped for. In the second place, conversions to common scales of value inevitably result in the loss of information; information which might be vital to the understanding of particular activities! That is, part of the value of a particular (land-use) activity might be obscured by measuring the utility of that activity on a single, perhaps inappropriate scale. For example, by measuring the value of caribou hunting according to the dollars per pound of caribou taken might obscure part of the true value of and motivations for caribou hunting by Native Peoples. Anthropologists have long known that measuring the utility of activities in other cultures by Western dollars is less than satisfactory.

With these warnings an attempt will now be made to

estimate the amount of income derived from their land by Bear Lake People during the year from June 1974 to May 1975. This will be done in two ways. First, an estimate of the dollar value of products derived from traditional activities by adult male household heads at Bear Lake will be provided. Second, an estimate of the amount of food which Bear Lake People derived from their land during this period as a percentage of the total amount of food which they required during the same period will be computed (following, roughly, ideas in Usher 1971 and Stager 1974: 75ff.). Through these two estimations can be obtained some idea of the Western dollar value of recent land-use at Bear Lake. In the final section of this paper aspects of the additional value of these traditional activities to the Bear Lake People will be considered.

To determine the dollar value of traditional economic activities for the 1974-1975 period an estimate of the amount of edible food derived from the land is made and to this amount is assigned a dollar value; income from the fur trade is added; and these two figures are totaled. In assigning a dollar value to food from the land the "replacement value", that is, the cost in dollars of replacing that food with food obtained from other, non-traditional sources (for example, the Hudson's Bay Company), of that food will be used. I will do this in spite of the fact that caribou, for example, has several characteristics which make it even more valuable than the beef it replaces: (1) caribou meat is invariably preferred by the Bear Lake People as a food over beef (both in taste and in the fact that it is considered "Native-" as opposed to "White-grub"), (2) caribou has a higher protein content per unit than beef, and (3) caribou

(and other meat from the land) could be more important to the diet of Bear Lake People since it is often replaced, not by protein rich food such as beef, but by foods high in carbohydrates.

Regarding the second estimate of income from the land, I will follow suggestions by Usher (1971) and Stager (1974) and attempt to estimate the percent of the contribution of country food to the total requirements of the Bear Lake People and their dogs.⁵ I will simply provide maximum and minimum estimates for food requirements and compare those against maximum and minimum figures for food obtained from the land. I recognize that this will provide a crude measurement since, among other things, nutritional factors are neglected entirely. However, by providing such figures, some information regarding the importance of traditional food production to the Bear Lake People will be conveyed.

⁵ Dogs are included in this figure for the obvious reason that dog teams constitute an essential part of the capital investment of the Bear Lake People. Even men who have purchased snowmobiles recognize that these machines are less reliable than dogs and own dog teams for more extended trips to the bush. Snowmobiles break down and there are no gas stations at Tutlacul.

Table 1.9.a. Approximate edible weights of animals and fish taken by the Bear Lake People during the year June, 1974, to May, 1975.

Species	Edible weight in lbs./animal	# of animals taken	Total edible weight in lbs. of animals taken
Bear ground caribou	50	285	22,600
Woodland caribou	100	20	2,000
Moose:			
Bull	700	7	4,900
Cow	500	10	5,000
Fish:			
Lake trout	4.8	8200 - 11,450	39,360 - 54,960
Whitefish	3.2	7600 - 9100	30,400 - 36,400
Herring	.8	37,750 - 60,400	30,200 - 48,320
Grayling	1.6	3000 - 4500	6,000 - 9,000
Birds:			
Ducks	1.5	1500 - 2000	2,250 - 3,000
Grouse	1.0	250 - 350	. 250 - 350
Ptermigan	.5	750 - 1100	375 - 550
TOTAL			136,255 - 176,200 lbs.

* Game Management, Government of the Northwest Territories was unable to provide me with this information. Hence, I have simply computed edible weights as eighty percent of total weight.

Source: field data

Table 1.9.b. Approximate replacement dollar value of food taken from the land by the Bear Lake People during the year June, 1974, to May, 1975.

Species	Replacement dollar value/pound	Edible weight in pounds of animals taken	Approximate dollar value
Bear ground caribou	\$2.40 ¹	22,600	\$54,720
Woodland caribou	2.40	2,000	4,800
Moose	2.40	9,900	23,760
Fish:			
Lake trout	\$1.50/.35 ²	39,360 - 54,960	\$47,724 - 66,660
Whitefish	1.50/.35	30,400 - 36,400	22,496 - 26,544
Herring	1.50/.35	30,200 - 48,320	19,252 - 30,136
Grayling	1.50/.35	6,000 - 9,000	3,000 - 4,500
Birds:			
Ducks	\$1.30 ³	2,250 - 3,000	\$ 2,925 - 3,900
Grouse	1.30	250 - 350	325 - 455
Ptermigan	1.30	375 - 550	487 - 715
TOTAL			\$201,257 - 239,025

- 1 The \$2.40 replacement value for caribou is based upon the average cost of beef in Fort Franklin.
- 2 The \$1.50 figure is the replacement value of fish which is consumed by humans. The \$.35 figure is the replacement value for fish consumed by dogs. It is estimated that 75% of the lake trout caught are consumed by humans; 50% of the whitefish caught are consumed by humans; and 25% of the herring and grayling caught are consumed by humans.
- 3 The \$1.30 replacement value for birds is based upon the average cost of chicken in Fort Franklin.

Source: field data

Table 1.9.c. Approximate dollar value of income derived from their land by the Bear Lake People during the year June, 1974, to May, 1975.

Food Taken	Dollar Value
Caribou	\$59,520
Moose	\$23,760
Fish	\$92,532 - 128,969
Birds	\$3,737 - 5,070
TOTAL	\$201,257 - 239,026
Fur Trade	\$21,707.45

TOTAL ca. \$223,000 - \$261,000 *

Source: field data

* It is essential to note that this estimate does not include dollar values for certain things which, in a more complete report, would be included in income derived from traditional land-use or land-use related activities. For example, at least the following should be included for a more accurate figure: (1) the value of hides and fur retained for personal use, (2) the value of handicraft production, and, (3) the value of wood used for fuel. Handicraft production (I mean by this both the manufacture of clothing such as parkas and mukluks for personal use and the manufacture of items for sale to individuals and the Great Bear Co-op) especially, would add a significant amount to this figure.

Table 1.9.d. Approximate percent contribution of country food to the total food requirements of the Bear Lake People and their dogs for the year June, 1974, to May, 1975.

		(B) Food requirement in lbs. of the Bear Lake People and their dogs.	
		Minimum estimate	Maximum estimate
(A) Country food taken in edible pounds	Minimum estimate	136,255	25%
	Maximum estimate	178,200	33%

% A of B

*Computed following Stager, 1974:75. Approximate resident population of Bear Lake People is: adult men, 79; adult women and adolescents, 139; children, 135. Food requirements for the year were computed according to the following table listing pounds of food per day required by people:

	Minimum	Maximum
adult men	4	5
adult women & adolescents	3.2	4
children	2	2.5

Dog food requirements were also computed following Stager and amount to 425 pounds of food per dog per year. There are approximately 162 dogs in Fort Franklin.

Tables 1.9.b., 1.9.c., and 1.9.d. indicate the amount and importance of income derived from their land by the Bear Lake People. Using the replacement value of food obtained from the land it was estimated that between \$223,000 and \$261,000 in income was derived from their land by the Bear Lake People during the year 1974-1975. This figure can be broken down and restated in terms of "per household income" and "per capita income". The average income derived from traditional land-use activities by Bear Lake Indian households for the year 1974-1975 was between \$3,500 and \$4,100.⁶ Per capita income derived from traditional land-use activities for this period was between \$630 and \$750.⁷ The significance of such income becomes clear when it is compared to government estimates of household and per capita income for people living at Fort Franklin and throughout the North.

⁶This estimate is obtained by dividing the total number of native households at Fort Franklin, 64, into the estimate of total income. This figure for the number of households at Fort Franklin includes, in addition to those surveyed, households headed by women (widows, for example) and by men who have not resided at Bear Lake continually for the last five years. It is imperative to recognize that, through the complex of reciprocal exchange relationships among Bear Lake people, all of these households share in income derived from traditional land-use activities.

⁷This figure is obtained by dividing the total resident native population, that is, by dividing the number of individuals comprising all 64 households, into the estimate of total income.

1.10. Summary.

Three facts which have been established thus far in this paper are: (1) The Bear Lake People continue to derive a substantial amount of their foodstuffs (25% - 40%) and income (the equivalent of over \$200,000) from their land. (2) A significant percentage of the Bear Lake People still engage regularly in traditional land-use activities. And, (3) almost the entire area of land which was occupied by their ancestors is still used by the Bear Lake People today. In addition, and this is an important fourth point, I can find no general downward trend during the years 1970-71 to 1974-75 in the participation by Bear Lake People in traditional land-use activities as measured by the indices in Section 1 of this paper. In spite of the fact that these people no longer make their entire living from the land, their land remains economically important to them and they are not abandoning traditional land-use activities for exclusive wage labor.

Having attempted to document the extent and intensity of land-use by the Bear Lake People, in the next section of my paper I will attempt to interpret such land-use by outlining something of the historical and cultural context within which it occurs. If the Bear Lake People use their land less than their ancestors, we should attempt to explain this fact by placing it within its historical context. If there is some other scale of values against which their land-use should be measured, we should attempt to discover this scale by looking within the Great Bear Lake culture.

2. Discussion and Interpretation of Recent Land-use by the Great Bear Lake People,

Individuals and organizations which support industrial development of the Northwest Territories allege that Native People no longer make their living from the land and that changes in the North must necessarily be towards a wage-labor economy. Development, it is argued, is required for the new opportunities for income it will provide. In this section, current land-use at Bear Lake will be discussed somewhat more abstractly than in the first section. A couple of points will be made regarding historical events at Bear Lake and cultural values among the Bear Lake People which will provide a means of understanding the extent and intensity of their recent and present use of the land. After considering these points, it should be possible to better evaluate statements by groups arguing the case for development in the North.

It is essential to summarize a few historical events which have occurred at Bear Lake in order to provide a context within which to interpret current land-use by the people who live there. The point to be made is this: as a percentage of their total income, the Bear Lake People actually derive less of their livelihood from their land than did their ancestors. However, the reasons for, or causes of, this fact reside outside of the traditional Bear Lake environment and socio-cultural system. The question which must be asked is this: is it reasonable to justify (without support from Native Peoples) further development in the North by citing the existence of conditions which were, in fact, created by

previous development?

Traditionally the Bear Lake People were hunters and fishermen who lived exclusively off of their land. The most important food resources were, and continue to be, barren-ground caribou, woodland caribou, moose, lake trout, whitefish, herring, and grayling. It is clear that the Bear Lake People traditionally organized their yearly socio-economic cycle so as to strategically exploit these resources - for example, so as to strategically exploit migrations of the barren ground caribou and runs of the various fish populations. People lived in much smaller (localized and kin-related) groups in the past and were mobile enough so as to establish camps wherever important resources were abundant. If a group of Bear Lake People were living at a fish camp at Mackintosh Bay and received report of a large herd of caribou at the North Shore, they could pack-up all of their essential belongings and move there to hunt almost immediately. Flexibility in group organization and economic scheduling, coupled with abundant animal resources and a strategic knowledge of those resources gave the Bear Lake People a great deal of security in a land which is less than hospitable to outsiders. When Whitemen came into the North looking for fur, they offered the Bear Lake People certain material items which could make life even more secure and somewhat easier for them. Tea, flour, sugar, lard, guns, metal axes, metal ice chisels, gill nets, and canvas tents were among the most important of these. In return for these goods, Bear Lake People furnished the white traders with meat and fur they requested. The effects of this trading relationship upon the

Dene way of life have been discussed by other writers (cf., Helm and Leacock 1971, Helm et al. 1971, Helm, n.d., Stager 1974, Helm and Damas 1963:11, Savitskiy 1970 : 102 ff., Schmidt 1971, Jenness 1967:257). Among the effects most widely mentioned are those which relate to changes in the seasonal socio-economic cycle, an increased emphasis on individuality in production (through introduction of the gun, gill nets, and trap lines), and the establishment of a dependency upon the Western market economy. Whatever the truth of these matters is, it is clear that the Bear Lake People became more and more dependent upon the goods which the traders had to offer. Tea, flour, sugar, guns, and so on which were luxury items to begin with almost immediately became basic necessities. Through their continual demand for these things, Bear Lake People were locked into a trading economy and lost a good deal of the flexibility which previously characterized their socio-economic system. When White goods became necessities, Bear Lake People could no longer afford not to engage in the fur trade. Their subsistence choices were changed or restricted by conditions established by the White traders.

The "contact-traditional" way of life (Helm and Damas 1963) existed at the Great Bear Lake from the early 1800's until the 1950's when the people there settled at Fort Franklin. During the period of time from 1900 to 1950 Bear Lake People hunted and fished and trapped at all of the places mentioned in the first section of this paper. People from Bear Lake also traveled to Rae, Coppermine, the Mackenzie Mountains, and Fort Good Hope while making their

living. For the most part, however, they stayed within their own land and traded at Fort Norman or one of the various posts established intermittently at the Great Bear Lake (cf., Usher 1971).

In 1920 oil was discovered at Norman Wells a little over 100 miles from the Bear Lake. In 1921 and 1922 the Bear Lake People signed Treaty 11 at Fort Norman, where they traded during summer. In the early 1930's silver and uranium were discovered at what became Fort Radium. By the 1950's, a church, a Hudson's Bay Store, a school, and a nursing station had all been built at Fort Franklin. During the fifties essentially all of the Bear Lake People settled relatively permanently at Fort Franklin; a site traditionally used as a meeting place and important fishery by the Bear Lake People. As had the introduction of the fur trade, settlement at Fort Franklin restricted the socio-economic system of these people and reduced, even more, the flexibility of their traditional subsistence pattern. The reasons people give for moving into Fort Franklin vary. However, many people mention the availability of services provided by the church, schools, and the store as having been an important consideration in their thinking. Of particular importance, apparently, was the school. People knew and were told that their children had to attend school. If a couple's children were not in school, that family could not receive pensions and assistance from the government. Faced by the decision between (1) leaving their children at Fort Franklin during the year (thereby losing the companionship and support of their children in the bush) or (2) settling

at Fort Franklin, eventually all of the Bear Lake people chose the latter. Now, when men go to the bush they normally leave behind their wives so that their children will be cared for. It should also be mentioned that during this period (the late 1940's and 1950's) the government conducted a massive tuberculosis eradication program which included sending many men and women "outside" to Edmonton. This, of course, confined many households to the settlement. Families couldn't or didn't want to go the bush without their relatives and when those relatives returned from the hospital, many couldn't work full-time on the land (cf. Schmidt 1977). No one can deny the need for this program of tuberculosis eradication. However, it should be remembered that tuberculosis among the Dene resulted, in the first place, from contact with White peoples. If TB contributed directly or indirectly to permanent settlement at Fort Franklin, this is another influence upon the Bear Lake people by forces outside of their own socio-cultural system. Whatever the immediate reasons people give for having settled at Franklin, it is apparent that the ultimate reasons, or causes, stem from forces outside of the traditional Bear Lake socio-cultural system. Settlement at Franklin was the result of technological, economic, social, and political pressures which accompanied contact with a dominant white society.

Since moving to Franklin the Bear Lake people have faced many changes in their way of life. Children have been educated in a white school system; English has been learned by many of the people; Band and Hamlet Councils have been

established; freight coming into Franklin has increased tremendously; a community co-op store has been organized; rental housing has been built; and wage-labor has increased. In spite of all these changes, most of which are in the material or technological realm, the Bear Lake people retain much of their traditional culture and most of their traditional values. When organizing their way of living the Bear Lake people rely, for the most part, upon their own cultural knowledge and their own values - not those of white society.

By viewing recent land-use of the Bear Lake people within this briefly sketched context one is better able to understand what is occurring. Of particular interest are changes which have taken place in the socio-economic cycle and settlement pattern at the Bear Lake. Many anthropologists feel that a group's social organization and settlement pattern can be considered an "adaptation" to their environment and technology. That is, the demands of a particular environment and a particular technology effect certain organizational requirements which lead to the development among a people of a particular social organization and settlement pattern. Put another way, anthropologists have emphasized the importance of socio-cultural solutions to problems or pressures engendered by a particular technological system within a given environment. Faced by the problem of making a living in their land, the Bear Lake people efficiently solved this problem by developing a particular kind of flexible social organization and mobile settlement pattern. By doing so, they were able to exploit

very efficiently all of the animal resources within their land.

Since 1950, through the imposition of a new settlement pattern upon the Bear Lake People, i.e., permanent residence at Fort Franklin, Western society has undermined an efficient socio-cultural solution to the problems of exploiting the fish and animal resources of the Great Bear Lake environment. That is, contact with a dominant White society established conditions which made it more difficult to live off the land at Bear Lake and which, consequently, resulted in reduced land-use among the Great Bear Lake People. This is not to say that the Bear Lake People are not now utilizing the resources of their land since, as was documented in section one of this paper, they continue to derive an important part of their income from the land. What is claimed, however, is that a new settlement pattern at the Bear Lake, which was introduced from the outside, has made it more difficult for the Bear Lake People to efficiently utilize their land. If land-use among these people is reduced, then the explanation of this fact resides in conditions imposed upon the Bear Lake People from the outside. Should representatives of the same socio-cultural system which introduced change to Dene society now site the existence of those conditions as proof of the need for additional change?

The fact that, given permanent residence at Fort Franklin, it is now more difficult to exploit traditional animal and fish resources does not entail the conclusion that an economic system based upon Western industry and wage-labor must

be established. What it does entail is the conclusion that new forms of technology and new kinds of work organization must be employed as new solutions to the problems of living off the land at Bear Lake. For example, since people no longer live on the North Shore and around Hottah Lake, it is more difficult, nowadays, for them to hunt barren-ground caribou than it was in the past. In response to this, new kinds of technology (e.g., snowmobiles, larger boats, and chartered aircraft) and new kinds of work groups (e.g., hunting groups organized by the Band Council and the Hamlet Trappers Association) have made it possible to continue to hunt for caribou. Within this context it is significant to note, again, the increase in participation by Bear Lake men in barren-ground caribou hunting during the period under consideration. In light of the extent to which governmental programs have undermined the efficient use of their land by the Bear Lake People, it is interesting to see an example of a program which, apparently, has had the opposite effect. Based upon this example, there seems to be no reason the Bear Lake People could not, if they so choose, develop a community-based economy founded substantially upon the continued use of traditional resources even under limiting conditions thus far imposed upon them. Whether or not this alternative will continue to be available, given further imposition of restraints from the outside, is a matter requiring serious consideration.

At this point, it is appropriate to outline aspects of the meaning of the bush to the Bear Lake People and the values which they attach to participation in traditional

land-use activities. It is obvious that their land and

in dollars only, one misses or obscures many of the "subjective preferences" or values which the Bear Lake People associate with such activities. It is important, then, to know what some of these additional cultural values are in order to understand the Bear Lake Peoples' continued use of their land.

The following statements made by four Bear Lake People provide some insights into their way of thinking:

We want to live the way our grandfathers lived on the land. That's what we're used to...if we live according to old times, it's only for our well being. Teaching our children according to the old ways the same as our old ancestors did; we will be happy all along. That's the way I want our children to make a living - according to the way my father taught me...in those days people made a good life in the hard way. When we got fish out of the fish net it was the same as if we killed a lot of caribou - people were happy. The people were making a good life (and) we are still not dependent on the Whites to do that kind of work...People talk about the way Whites are living. Why should we live the way they do. I would sooner be at peace and live the way the old times did. (Statement translated by Malo Bewule)

Years back to make a living our parents taught us how to work in the bush. In those days our parents taught us how to control ourselves in the bush in the worst time of the year. In those days when we were hard up people used to help us...and through helping each other even through the hard times we managed to make a decent living. In those days we didn't know White peoples' groceries...People were all happy. Now that they want us to do the way White people do, everything is upside down. If we kept to the old time ways we would still be happy. Now that White people are teaching our children, none of them will listen to us. (Statement translated by Malo Bewule)

In the old days people used to

all over. People traveled all over this land to make their living--to make their life better. The old people went where they could eat and where they could fish...That's how we lived well in those days. We used to live really good and right now we're not. Even the boss of setting our traps. How are we to improve our lives? Even when we get our pension now with food prices going up (you can't even see the end of prices) our check doesn't even last to the end of the month...The way White people talk today - if they tell us how to use the land then they should back up what they say with stories of their travels on the land. Then we might believe them. They sit back on their land and, through reading books about us, talk...Since Whitemen came to our land we are not the boss of anything...When we defend our land we are right because it is our land. We grew up on this land. It is so enjoyable to go on long trips into the bush...When you are in the bush it is good to cook on an open fire. It is so enjoyable to put a fish on the open fire. Cooking meat on an open fire is how we grew up. If we lived like we did in the old days life would be so much better than it is today...In the old days when we wanted to go fishing we just packed up our tents and moved to the place where we wanted to fish and put up our tents again. And when somebody needed something we helped that person out. We Indians never said we would help the other person for money. When it came to eating we were never poor; we always had some food to eat. This is our land. They (Whites) were born in a far distant land, then they came here and began telling us (what to do). (Statement translated by Fibble Tatti)

These White people are always talking to us about our land. This is the single land that we make our living out of. We are doing our own trapping on it. We live off the fat of the land. We are not making our living out of vegetables and so on. If we catch fish in our nets our children eat well. If we kill a big animal our children eat well. Whenever we go trapping - whatever fur we get, out of that we buy groceries for our children. The money we get out of our fur we buy groceries and dry goods for our children. Out of that everything goes good for our children...Out of this land we make our living. Our grandparents made their living for thousands of years and we are still doing the same. In the old times, the people never had anything with which to make a living in the White people's way. And we still follow

the old customs. This is the only land we live on. Everything you see on this land we make our living out of... We live off the fat of the land. That's what our children eat. That's the reason we talk for the good of our land. No Indians have no money in the bank. We haven't got big warehouses full of groceries. We only live by setting fish hooks and hunting. That's the way we make a living for our children. Why does the government want us to have a small piece of land for ourselves? Why do they bother us so much about our land? The reason the Whites want this land is because they want money. We want the lives of our children. If we talk about our land, it is because we know how we live on the land, how our great grandfathers lived on the land, and how we are raising our children in the same way. (Statement translated by Malo Bewule)

From these and other statements made by Bear Lake People it is possible to begin to understand the values which they associate with their land and which, to some extent, motivate their land-use activities. They, of course, discuss the foods and materials which they take from the land. However, they also emphasize a number of other positive values which cannot be measured in dollars. Such values are traced by the Bear Lake People to their ancestors and are considered by them to be constants in their cultural tradition. Among these are the following: First, they highly value participation in a way of life which requires hard work and industriousness and which demands the constant acquisition of knowledge through experience on the land. Life in the bush is very difficult and there is always something which must be done in order to survive: Food must be obtained, fires must be kept, clothing and shelter must be looked after, dogs must be fed, and boats, snowmobiles, and toboggans must be repaired. The Bear Lake People enjoy such constant activity and give recognition to those people who are most industrious and successful on the land. The knowledge required

by these people is considerable and can only be obtained by experience in the bush. As one person put it, "The bush is a hard school."

Second, the Bear Lake People highly value the independence and self-reliance characteristic of life in the bush. In the bush everyone is "his own boss" and is responsible only to his partners and family. In the bush people are not dependent upon others for their living. They are not dependent upon Whitesmen for jobs, for school, and for food. Things are not "upside down" when Bear Lake people are on their land and any of them can obtain what they need to live.

Third, the Bear Lake People highly value the generosity and mutual support which is associated with the bush. Men are their own bosses and are free to make most of their decisions for themselves. However, they normally travel with partners, make decisions together, help one another in any way required, and share their take (except fur) between them so that no one is without. The successful moose hunter, for example, always divides the moose meat among all his partners. Such reciprocity is, of course, not limited to the bush (as anyone visiting Fort Franklin will quickly see) yet Bear Lake People associate it with life on their land and stress its importance within that context.

All of these and other values derive from and are associated with a cultural tradition which is based upon life in the bush. While the commitment Bear Lake People have to these values and to their land has only been briefly discussed, the existence of such values is clear. The Bear

Lake People work in the bush not only because they derive an income from their land, but also because that work represents a link in their cultural tradition to a way of life characterized by industrious activity and the acquisition of knowledge through bush experience; independence and self-reliance; and generosity and mutual support. These values help explain why Bear Lake People maintain strong ties to the bush in spite of increasing pressures from outside their socio-cultural system which undermine their continued economic use of the land.

In this section of this paper two major points have been established. These constitute necessary information for the understanding of recent land-use by the Bear Lake People. These points are the following. First, if Bear Lake People derive less of their total income from their land than did their ancestors, the causes of this fact reside outside of the traditional Bear Lake environment and socio-cultural system. And, second, the utility derived by Bear Lake People from traditional land-use activities cannot be measured solely in dollars and cents. By doing so one obscures many of the values or motivations which actually underlie such activities. In other terms, any explanation of recent land-use by the Bear Lake People must include reference, not only to the income (in kind or in dollars) which they obtain from the bush, but also to the fact that they obtain tangible psychological rewards and benefits which follow from participation in their cultural tradition (cf., Savitskiy, 1970, 1971).

3. Summary and Conclusions.

In this paper the purpose has been to describe the extent and intensity of recent land-use by the Great Bear Lake Indians and to interpret such land-use by placing it within appropriate historical and cultural contexts. Time and space have limited complete consideration of this topic. However, to reiterate, the following points have been established:

- (1) The Bear Lake People continue to derive an important amount of food and a substantial amount of income from their land.
- (2) A high percentage of the Bear Lake People still engage regularly in traditional land-use activities.
- (3) The entire area of land which was occupied by their ancestors is still used, to some extent, by the Bear Lake People today.
- (4) During the past five years, as measured by the indices in this paper, there has not been a general downward trend in land-use activities by the Bear Lake People.
- (5) The Bear Lake People do obtain less of their income from their land than did their ancestors 100 years ago. This fact, however, must be explained by citing conditions imposed upon the Bear Lake People from outside of their socio-cultural system.
- (6) The utility of various land-use occupations to the Bear Lake People should not be measured solely in dollar income. There are other kinds of "subjective preferences" which they associate with these traditional cultural activities and there are tangible psychological benefits

derived by these people from their participation in the
Dene Way of life.

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Indian Brotherhood of the Northwest Territories
Metis Association of the Northwest Territories

"The Dene Nation and Confederation"

Statement of evidence of
Peter H. Russell
before the
MACKENZIE VALLEY PIPELINE INQUIRY
YELLOWKNIFE, N.W.T.

April, 1976

My testimony will focus on two related questions:

1. How does the concept of a Dene Nation square with the principles of the Canadian Constitution?
2. Should Canada respond to the Dene people's claim for recognition of their rights before or after the construction of a pipeline through their traditional homeland?

Let me begin with the first question. To answer it we must first examine the concept of the Dene Nation and see what juridical and political arrangements are entailed by that concept. Secondly, we must set our understanding of the Dene nation alongside the letter and the spirit of the Canadian constitution in order to decide whether or not recognition of the Dene's basic claim to be regarded as a nation within Canada is consistent with the Canadian Constitution.

For an understanding of the concept of the Dene nation, I rely primarily on the statement entitled the Dene Declaration issued by the Second General Assembly of the Indian Brotherhood and Metis Association of the Northwest Territories at Fort Simpson, N.W.T. on July 19, 1975.

The central concept in this Declaration is that of "nation". We must first come to terms with that concept.

There are two ways in which the word "nation" has been used. The oldest and most continuous usage associates the concept of nation or nationality with what is basically a cultural entity. The American historian, Carlton Hayes, thus defines a nationality as "a group of people who speak either the same language or closely related dialects, who cherish common historical traditions, and who constitute or think they constitute a distinct cultural society." (Hayes) Similarly, the European historian Georg Jellinek defines nation as "a multitude of humans characterized by common and unique cultural factors. This multitude shares in a common historical past and is linked by an awareness of its uniqueness." (Heiman) Nations and nationalities so defined existed in human history as

- 2 -

social and cultural collectivities long before the emergence of the nation-state and that other usage of nation and nationality which is primarily legal and juridical. It is the distinctive mark of the modern political era, beginning about the 16th century, to have organized the world into nation-states, each governed by a sovereign authority based on a distinct territory and claiming a monopoly of legal control over all who inhabit that territory and legal independence from any external authority. In this context, nation is identified with the sovereign state: the nation is the sovereign legal entity which participates as an individual and independent member in the international community of nations and nationality is a legal capacity bestowed by the sovereign nation on all of its citizens regardless of their cultural characteristics.

Now both usages of the words nation and nationality survive in the modern world, including contemporary Canada. Canada is clearly a nation in the juridical or legal sense: it is an independent sovereign nation-state. One of the basic aims of the confederation movement which created Canada was to establish a new nation and a new nationality. But this new nationality was not to entail a cultural uniformity. On the contrary, as George Etienne Cartier stated in the Confederation Debates, "Now, when we were united together, if union were attained, we would form a political nationality, with which neither the national origin, nor the religion of any individual would interfere". He went on to elaborate how the different nations (or "races" as he called them) in the cultural sense should survive within this new juridical nation: "In our own Federation we should have Catholic and Protestant, English, French, Irish and Scottish, and each by his efforts and his success would increase the prosperity and glory of the new Confederacy." (Waite)

Thus, both usages of the word nation have survived in Canada. The first, connoting an ethnic, cultural or sociological entity has been most used in French Canada. This usage has not been a separatist term. It has been used by those who wish their distinctive national culture to survive within the Canadian nation.

This double usage, as Eugene Forsey pointed out in his Presidential Address to the Canadian Political Science Association, "can, theoretically give rise to ambiguities and misunderstandings. But in practice, surely the context makes it tolerably clear which of the two we mean." Further, insisting on the continuation of the double usage, he asks, "Are we really free to choose one meaning of the word "nation" and "national" and discard the other? I don't think we have any right to play ducks and drakes with dictionary, English or French, in this fashion." (Forsey)

Taking our cue from Senator Forsey, we can now return to the Dene Declaration and see what is meant by "nation" as used in that context. The answer is clear. The concept of nation, the right to be recognized as a national group, as used and claimed by the Dene people, is in accord with the first and oldest usage of these terms. They are claiming the right to survive as a distinct cultural entity "within the country of Canada."

The Dene's willingness to submit to the legal sovereignty of the Canadian nation-state, while clear enough, is given somewhat grudgingly as a submission to a hard fact of life - to real politik. This is not surprising. Unlike most of us whose forebearers were not natives of this country, but who came to this country by choice, the Dene have had no real choice as to whether or not they should become Canadians and join this nation-state. Their membership in the juridical nation-state is not founded on consent, but on a combination of coercion and trickery. In not the dimmest of senses were they party to any Canadian social contract. In noting this, I am reminded of what Edmund Burke said about British rule in India.

"There is a sacred veil to be drawn over the beginnings of all Governments. Ours in India had an origin like those which time has sanctified by obscurity. Time, in the origin of most Governments has thrown this mysterious veil over them; prudence and discretion make it necessary to throw something of the same drapery over more recent Foundations."

It may be prudent for us to ignore the origins of Canadian rule over native people, including the Dene. But the exercise of such prudence does not mean that we should expect they, the native people, to ignore those origins. Nor does it mean that we, non-native Canadians, should deliberately distort their submission to Canadian sovereignty into its opposite simply because it is given grudgingly and is now accompanied with requests, couched in the language they have learned from us, for a maximum degree of self-government within this sovereign nation. To so distort and twist their words and intentions, is a most cynical way to respond to a plea to be treated with more justice by the acknowledged Canadian sovereign.

The main end which the Dene seek is their survival as a distinct ethnic entity, a distinct people and in that sense a distinct nation or national group within the Canadian state. The Dene propose two basic instruments for securing this end: first, legislative recognition rather than extinguishment, of collective title to their historic homeland and secondly, a devolution of governmental authority to their communal organizations. The first, legislative recognition of ownership, is, I take it, essential to their cultural survival. Their land is their life - for it to be parcelled out for sale and exploitation on the commercial market is to alienate them from the essential physical base of their spiritual existence. The need for a devolution of decision-making responsibility to Dene institutions of regional and local government is based primarily on the assumption that the proprietorial rights of a land owner, whether collective (as in the Dene's case) or individual, will be worth very little if the land owner is denied a crucial role in making the most significant decisions about how the land is used and developed. The devolution of a wide range of governmental responsibilities to Dene institutions is also desired as a means of preserving and fostering those aspects of Dene culture which are best expressed through the communal institutions of the Dene.

The precise powers to be delegated to Dene institutions and the relationship of these institutions to the existing territorial and local governments, to any future province which may be established in the region, and to the Parliament of Canada, have not been spelled out in detail. Clearly, these are matters which have to be worked out in negotiations between the Dene people and the Federal Government. Without pre-judging the results of such negotiations, we can still ask whether a land settlement along the general line proposed by the Dene is impossible within the Canadian Constitutional system. Those general lines are as I have interpreted them as follows:

1. the main aim of any land settlement is the survival of the Dene people as a distinct cultural and social entity (i.e. nation) within Canada.
2. the two basic means for securing that end are:
 - a) legislative recognition of the Dene's collective ownership of their historic homeland
 - b) devolution of governmental responsibility to Dene communal institutions which will have a decisive voice in determining what happens on the homeland.

There is a whole spectrum of possible arrangements which might be proposed within these general parameters. At one extreme are those which would grant the Dene more power and responsibility than the Federal government politically, or possibly constitutionally, could consider granting and at the other extreme are such limited concessions to the Dene's claims that for the Dene to accept them would be to agree to their own extinction as a people. The purpose of negotiating a land settlement of the type proposed by the Dene would be precisely to explore what

alternatives exist between these extremes. The question I now turn to is whether any settlement consistent with the basic requirements of the Dene Declaration is consistent with the Canadian constitution.

Our "written" Constitution, the B.N.A. Act (and its Amendments) does not prescribe the arrangements which should be made for Canada's aboriginal people. The B.N.A. Act makes only one direct reference to native people and that is subsection 24 of Section 91 which gives the Parliament of Canada exclusive legislative authority in all matters relating to "Indians and lands reserved for the Indians." (The Supreme Court of Canada has ruled that the Eskimos of Quebec also fall within subsection 24: Re Eskimos). The Constitution does not stipulate how Parliament should exercise this grant of legislative power over Indians and their Lands. There is a clear implication that this Constitutional grant of power to Parliament entails an obligation to protect the interests of Canada's native people. Laskin's text on Canadian Constitutional Law refers to S.91 (24) as a "specification that Indians as a class should be under federal protection." (Abel) Indeed, it would have been illogical for the framers of the Constitution to designate Indians as a special class of people under exclusive Federal jurisdiction unless they intended that their interests should be protected from the legislative policies of the different provinces.

There is another Section of the B.N.A. Act which may extend special constitutional protection to the rights and interests of natives living in that part of Canada which was formerly Rupert's Land and the Northwestern Territory. This is Section 146 which provides that the terms of any order-in-council admitting these territories to the Dominion of Canada become part of the Canadian Constitution as if these terms were enacted (as was the B.N.A. Act) by the Parliament of the United Kingdom. The Addresses of the Canadian Parliament petitioning the Queen to transfer Rupert's Land and the Northwestern Territory to Canada and the Schedules to the Order-in-Council effecting the transfer, recognize

the Indians' ownership of their land in these territories and the obligation of the Canadian Government to compensate the Indians for any of such lands taken for purposes of settlement "in conformity with the equitable principles which have uniformly governed the British Crown in its dealings with the Aborigines". (Schedule to the Order-in-Council of 1870) Mr. Justice W. G. Morrow of the Supreme Court of the Northwest Territories has held that "... the assurances made by the Canadian Government to pay compensation and the recognition of Indian claims by virtue of S.146 of the B.N.A. Act became part of the Canadian Constitution and could not be removed or altered except by Imperial Statute." For these reasons, he concludes "that the Indians living within that part of Canada covered by the proposed caveat may have a constitutional guarantee that no other Canadian Indians have": Re Paulette. It should be pointed out that, while Justice Morrow's decision in this case has been successfully appealed to the Court of Appeal of the N.W.T., this part of his judgement was not reviewed by the Court of Appeal. The Court of Appeal's judgement deals solely with the question of whether a caveat can be filed against Crown lands and does not touch upon the constitutional point in Justice Morrow's decision.

The B.N.A. Act, then, explicitly bestows legislative jurisdiction over Indians and their lands on the Federal Parliament and implicitly recognizes an obligation on the part of the Federal Government to protect the interests and rights of Indian people. Beyond this it is silent on the precise ways and means whereby the federal government is to discharge its responsibilities with regard to native people. Certainly there can be no suggestion that recognition of the basic claims of the Dene Declaration would not be consistent with those sections of our Constitution which bear directly on the treatment of native people.

But the other possibility must now be canvassed: namely, that the terms of the Constitution which are concerned not directly with indigenous people but with the structure of government generally in Canada would be violated by a land settlement designed to meet the principles of the Dene Declaration. There are two possibilities which must be considered here: first, the recognition

of Dene claims within a Federal territory and secondly, the recognition of such a claim in the territory organized as a Province.

So far as the structure of territorial government is concerned the Federal Parliament is not tied by the Constitution to any precise set of governmental arrangements. Indeed, under its constitutional authority to legislate for the Peace Order and Good Government of Canada, Parliament has provided a wide range of governmental arrangements over the years, beginning with the Act of 1869 (S.C., 32-33 Vic., c. 3) establishing a temporary system of administrative control for Rupert's Land and the Northwestern Territory, right up to the establishment of the contemporary Territorial Council under the Northwest Territories Act in 1970 (R.S.C. 1970, c.N-22). It is certainly within the Canadian Parliament's Peace Order and Good Government power, as well as its explicit power over Indians and lands reserved for Indians, to restructure the Territorial government so as to delegate a measure of self-government to Dene institutions which might be established in the Territory on Dene lands. Federal legislation providing for such a delegation would be just that, federal legislation, and as such not a constitutional guarantee. However, some "manner and form" requirements could be attached to such legislation (e.g. the requirement that a two-thirds majority be required to amend the legislation) which might provide a measure of "entrenchment". (Marshall, Tarnopolsky)

Federal legislation restricting participation in Dene institutions to those of a certain racial heritage might be objected to on the quasi-constitutional grounds that it violates the Canadian Bill of Rights. Such an objection would, I believe, not be well-founded. In the Drybones case, the only occasion on which the discrimination and equality-before-the-law phrases were deemed by the Supreme Court to override a section of the Indian Act, the Court's ruling specified "that an individual is denied equality before the law if it is made an offence punishable at law, for him to do something which his fellow Canadians are free to do without having committed any offence or having been made subject to any penalty." Legislation recognizing the Dene's ownership of their

land and providing institutions of local self-government could not be construed as inflicting criminal punishment on Dene people for reasons of race. Furthermore, as the Supreme Court's decision in Lavell indicates, and as has been cogently argued by Professor Hogg, because Indians are recognized as a special constitutional classification in the B.N.A Act, such a classification should not be deemed in violation of the "equality before the law" guarantee in the The Bill of Rights. (Hogg)

There would appear then to be no constitutional barrier to Parliament's accommodating the Dene claim within a territorial context. But what about a provincial context? Here the question is whether the Dene's rights to ownership of their land and self-governing institutions could be constitutionally accommodated within a possible future province established in the territory. There can be no question that under our Constitution very specific limitations and conditions can be attached to the powers of newly created provinces. Many precedents may be cited but perhaps the most apt are the retention of the natural resources by the Dominion when the prairie provinces joined the federation and the Agreements entered into in 1929 and 1930, and confirmed by the B.N.A. Act of 1930, turning over the natural resources to the province, subject to certain lands being set aside for Indian reserves and the protection of Indian hunting and fishing rights. These Constitutional agreements clearly gave constitutional protection to Indians in these provinces against provincial legislation (although not, it would appear, against federal legislation). Constitutionally there is no bar to the Dene's ownership of their land and the right to participate in Dene institutions of local government being guaranteed by the terms under which a new Province is established.

I would submit that on the basis of the letter of our Constitutional law, there is no legal obstacle to recognition of the Dene claim. Nor, of course, is there any explicit provision for such recognition. The question of whether or not it should be recognized is, fundamentally, one of will and intention, not one of law. Again, to quote Edmund Burke when he was debating with his countrymen 200 years ago whether or not under the British

Constitution the American colonists could enjoy the benefits of representative government:

"The question with me is not whether you have a right to render your people miserable, but whether it is not in your interest to make them happy. It is not what a lawyer tells me I may do but what humanity, reason and justice tell me I ought to do."

In deciding a question of this kind, we should look behind the letter of our Constitutional text and consider the spirit of our Constitution -- the philosophy of government and the principles of justice on which it is based. If we do this, I think we can see how arrangements designed to ensure the collective survival of the Dene people entail the extension of the original spirit of Confederation for the first time to Canada's native people.

Confederation was necessary in 1867 because an alternative solution to the governance of French and English "Canadians" had failed. The alternative solution to Confederation was a programme of assimilation - of assimilation of all Canadians into the British culture. Lord Durham's Report in 1839 called for this solution and the Act of Union in 1840 established a framework of government designed to promote this solution. But it did not work. The majority of French-Canadians would not be assimilated. In 1867, it was Cartier's ideal of pluralistic cultural survival within a single juridical nation, not Durham's ideal of a British nation in North America, which inspired the establishment of a federal system of government guaranteeing the rights of certain minorities within the major units of the new federation. (Here I refer in particular to S.93 of the B.N.A. Act) Creating the institutions of this new mode of government and making them work has been a major challenge to Canadian statescraft. With its diffusion of governmental authority and its lack of ethnic homogeneity the Confederation system has not been an easy one in which to govern - but it may well be the most liberal mode of self-government for a large continental nation-state that the

the world has known.

What is called for now by the Dene people is the application to them of the spirit of Confederation and the ingenuity of Canadian statescraft in implementing that liberal spirit. It is possible to respond to this call by saying "We do not know precisely what you want. In any case, we know that it would entail something very different from our established policies and procedures for achieving your assimilation. Therefore we refuse to even talk to you about your objectives or take your claim seriously." While it may be possible to respond this way without violating the letter of the Canadian Constitution, I question whether it is possible to make this response without violating the ideals on which that Constitution is based.

I come, finally, to the question of whether a settlement with the Dene should be made before or after the construction of the Mackenzie Valley pipeline. From a purely legal point of view, setting aside any influence which social and economic circumstances may have on constitutional possibilities, a settlement can be made at any time, providing there are two parties who wish to negotiate a settlement.

But, of course, the impact of social circumstances in the real world on the availability of legal alternatives cannot be set aside. One very clear outside limit on the time in which a settlement must be negotiated is that both parties to the settlement must survive the period preceding the settlement. From what we know about the advance of our industrial, metropolitan culture on North America's aboriginals, the Dene people, as a people with a capacity for expressing and developing their own interests, would not long survive the major social and economic upheavals introduced by the pipeline if their right to survive and institutions to achieve that right were not established. Thus, at a certain point, a few years I would judge, after the pipeline construction had commenced, no settlement with the Dene people would be possible, because there would not be a people with which to settle.

But this, as I have said, indicates only an outside limit on the timing of a settlement. Considerably prior to this is the time at which, and the circumstances under which, the Dene have a genuine opportunity to enter into negotiations for the kind of settlement they seek. At the centre of the Dene claim for a land settlement is the objective of influencing, if not deciding, what happens on their traditional homeland. A project such as the Mackenzie Pipeline, one of the largest industrial projects ever undertaken in Canadian history, is about as significant a development as one can imagine happening on anyone's land. To tell the Dene that they could negotiate land claims after the pipeline has commenced is at least to tell them that they are to have no opportunity to negotiate for the type of settlement they are seeking. After the pipeline, the Dene's negotiating options are likely to be precisely those of the Native people in Northern Quebec following the initiation of the James Bay Hydro-electric project. A decision by the federal government to commence the pipeline before negotiating a land settlement with the Dene probably represents a final decision to preclude any possibility of considering a land settlement along the lines desired by the Dene people.

There is another reason why the commencement of the pipeline before any settlement with the Dene people would not only be gravely prejudicial to the Dene's rights but also would violate a fundamental precept of Canadian government - the rule of law. Canadian law, at least since the Calder case, has recognized the existence of aboriginal rights to lands held and occupied since time immemorial until such rights are extinguished by the sovereign Parliament. In the case of the Dene's aboriginal right to their homeland there is great doubt as to whether that right has been extinguished. Although a literal reading of Treaties 8 and 11 indicates that the Indians did "cede, release, surrender and yield up" to the Government of Canada "all their rights, titles and privileges whatsoever" to their lands, a great deal of evidence has been amassed to support the contention that these treaties were, in effect, fraudulent and that they cannot be taken seriously as an expression of agreement between two parties.

Justice Morrow's finding in the Caveat case that the facts cast sufficient doubt on whether aboriginal title was extinguished by treaty to justify a claim for title by the Indian as caveators was based on such evidence and this aspect of his judgement has not been overruled by the Court of Appeal. Thus, the question of ownership of the lands over which the pipeline is to be built is not settled in Canadian law. If the Federal Government permitted the pipeline to proceed in these circumstances before working out a land settlement with the Dene people, it would be determining what is to happen on land whose ownership is in dispute. Constitutionally, Parliament in the end can, if it wishes, authorize the extinguishment of aboriginal rights, just as it can pass modern legislation recognizing those rights. But for the Federal Government to proceed as if it had no obligation to deal clearly and explicitly with claims based upon aboriginal rights, would be to ignore the established procedures of the Canadian legal system as if it were literally "above the law". Federal action of this kind would ignore the basis for the Dene claims established in our system of law and in the process violate the "rule of law", a fundamental postulate of our constitutional structure.

To sum up, the type of land settlement which the Dene people wish to negotiate with the Federal Government, far from violating Canada's constitution, calls for the extension to them of the fundamental principle underlying Confederation. The working out of the institutional solutions required to accomplish the purpose would be a major challenge to Canadian statescraft. In a sense this task entails the completion of Confederation by applying, for the first time, the liberal philosophy of ethnic partnership, to our native people. There are no a priori constitutional reasons for not attempting this task. On the contrary, if the Government understands the ideals upon which our constitutional system is based and wished all of our citizens to participate in those ideals, it is imperative that it not refuse to negotiate a land settlement of the kind envisaged in the Dene Declaration.

Further, I have argued that the opportunity to work out this kind of settlement will be thoroughly undermined if the pipeline is allowed to proceed before a settlement with the people through whose historic homeland this pipeline will pass.

Constitutional options are always shaped by historical events and material circumstances. This will be denied by those who have much to gain by precipitating events which will dramatically alter the material circumstances in the Mackenzie Valley hoping to eliminate certain constitutional and legal alternatives in the process. But such a denial is not creditable.

A settlement whose purpose is to ensure the Dene people the right to determine what goes on on their land would scarcely be a meaningful possibility after a project of the mammoth proportions of the Mackenzie Pipeline has, independently of the Dene, been initiated on their land. There is the additional objection that for the Federal Government to by-pass normal legal processes and permit a pipeline to proceed through land the ownership of which is a matter of serious legal dispute, is to set an example of lawlessness by its own behaviour which would serve as an unfortunate model for those whom it must persuade to use lawful means to secure their ends.

Appendix A

Witness Resume

Peter H. Russell

Education: B.A., University of Toronto, 1955
Philosophy and History
B.A., Oxford University, 1957
Philosophy, Politics and Economics

Present Position: Principal, Innis College
University of Toronto

Professional

Experience: 1957-58, Aluminum Company of Canada;
Personnel Management
University of Toronto, Department of Political
Economy:
1958 - Lecturer
1962 - Assistant Professor
1965 - Associate Professor
1968 - Professor
1967 - Honorary Research Associate, Harvard
University, Dept. of Government (on leave
from U of T)
1968-69 - Acting Principal, Innis College, U of T
1969-71 - Makerere University, Kampala, Uganda
(on leave from U of T)
1971 - Principal, Innis College, U of T

Awards and

Appointments: 1955 - Rhodes Scholar (Ontario)
1964-67 - Review Editor, Canadian Journal of
Economics and Political Science
1966-67 - Association of Universities and Colleges
of Canada, Survey of Canadian Academic Libraries
1967 - C.D. Howe Fellowship
1973-76 - Member, Board of Governors,
Ontario Institute for Studies in Education

Affiliations:

President, Wychwood Park Ratepayers Assoc.
Dene Land Claims Southern Support Group

Publications:

"The Supreme Court's Interpretation of the Constitution since 1949," in Paul Fox (Ed.), Politics: Canada, McGraw-Hill of Canada, 1962.

Modern Political Ideas, University of Toronto Department of Extension

Leading Constitutional Decisions, McLelland & Stewart, 1965, pp. xxviii, 234.

"The Jurisdiction of the Supreme Court of Canada: Present Policies and a Programme for Reform," [1968] Osgoode Hall Law J 1

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Appendix B

9
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Appendix C

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Appendix C

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A. - G. Canada v. Lavell, [1974] S.C.R. 1349

Calder v. A. - G. British Columbia, [1973] S.C.R. 313

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Rec'd June 21/76
with letter of
June 16/76 from
Allen W. Bell.

RENEWABLE RESOURCE POTENTIALS
FOR ALTERNATIVE DEVELOPMENT IN
THE MACKENZIE RIVER REGION

by

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June 1976

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The senior author, in particular, wishes to thank the people of Fort Good Hope for their friendly co-operation during his brief visit to their community.

of the renewable resource base may be maximized under the control of native people who do not wish to be dependent on the industrial economy. Because of the limitations of research time, this document cannot be regarded as an in-depth, comprehensive analysis or quantitative evaluation of the renewable resource base. However, it identifies and describes economic values of renewable resources and the potentials of these resources to provide for the future socioeconomic development of Dene and of the Northwest Territories.

Specifically, this paper provides brief descriptions of various components of the renewable resource base of the Mackenzie Valley region, indicates the potentials for future development, management and economic use, and describes potential conflicts between renewable resources and non-renewable resource development. It also discusses the human (Dene) resource base and suggests the criteria and guidelines by which Dene people may manage and develop these renewable resources on a profitable basis.

Although most aspects of this study are applicable anywhere in the Northwest Territories, relevancy to the present Inquiry is maintained by data obtained from the Fort Good Hope/Colville Lake community which is typical of those communities which would be most dramatically affected by industrial developments such as the petrochemical industry proposes.

THE RENEWABLE RESOURCE BASE

Regional Resources

The renewable resource base of the Mackenzie River basin and associated lands, encompasses a wide variety of relatively undeveloped fish, wildlife and forest resources which are unevenly distributed over the length and breadth of the basin. Although the type and abundance of primary resources varies considerably from one community to another and although some resources have been severely exploited or damaged on a local level, the total resource base is capable of sustaining the economy of Dene people for many generations to come.

Maximization of the economic potential of the renewable resource base is contingent, however, on the development of comprehensive long range management programs on a sustained yield basis and on the development of safeguards against environmental degradation or loss from industrial development and/or excessive exploitation.

Although comprehensive descriptions and evaluations of any major component of the regional resource base was not possible within the limitations of time and information available for this study, brief descriptions of each are provided below along with identification and general evaluations of economic potentials. Potential impacts upon components of the resource base, as a result of proposed industrial developments and of developments which have already taken place are also identified and briefly discussed.

A. Fisheries

Fish are probably the most important renewable resource in the Northwest Territories in terms of quantity and potential for future economic development. Their value as a domestic resource of native people has been clearly documented in government sponsored reports (Bissett, 1974 and others) and in other reports and submissions to the Mackenzie Valley Pipeline Inquiry (Rushforth, 1976; Peet, 1976).

Although much new information concerning fish populations of the Mackenzie River basin has been generated during base line environmental studies since 1970, comprehensive assessments of the resource in terms of population size and long term production potentials have not been carried out. However, if the studies conducted by federal fisheries investigators (Hatfield et al., 1972; Stein et al., 1973; Dryden et al., 1973; Bissett and others) are any indication, both the volume and potential of the resource can only be described as immense.

The fish resources are distributed in two broad groups; those which inhabit the Mackenzie River and its major tributaries and those which occupy the numerous lakes and smaller streams throughout the basin.

The fisheries resource of the Mackenzie and Slave Rivers, Great Slave Lake and large tributary streams such as the Hay

and Liard rivers includes more than 10 species of which the most important are whitefish, northern pike, pickerel, inconnu (coney), and ciscos (herrings). Lake trout also occur in harvestable numbers in Great Slave Lake and Arctic char are found in certain tributary streams along the Mackenzie River delta. "Coarse fish" such as suckers and ling which are of relatively low economic and domestic value occur throughout the system. The potential value of this portion of the fish resource base and the river system which supports it cannot be overemphasized. This fishery is not only capable of meeting most of the domestic needs of valley residents but constitutes an essential part of the population which occupy or utilize streams and small lakes which drain into the Mackenzie River. Many of these streams and lakes are occupied only during the ice free periods, their transient populations returning to the parent river in autumn.

A relatively untouched fish resource also occurs in the large lakes along the valley. The primary species of these areas, in terms of numbers and economic value are lake trout, whitefish, grayling, and northern pike. Although many of these lakes are characterized by low temperatures and relatively low productivity, they have sustained fairly high levels of domestic (subsistence) fishing without apparent depletion. However, more intensive use should not be attempted without comprehensive analysis of the productivity of these lakes and the development of a long range management plan.

Petrochemical developments and the facilities and industry associated with them, present a broad spectrum of potential conflicts with the fisheries of the basin. A major concern is the fishery of the Mackenzie River which, if damaged or destroyed, would drastically effect the potential of the resource throughout much of the basin. Several species migrate long distances in the Mackenzie River to spawn in tributary streams and lakes along the valley or at specific points along the river itself. Loss or disruption of such spawning areas or interruptions of migration patterns by disturbances associated with pipelines and other developments could eliminate certain species in both the Mackenzie River and the tributary drainages. The fisheries resource is already seriously threatened by increased pollution by industry from as far away as Alberta, by increasing disturbance by barge traffic and by changes in flow regimes from upstream dams⁽¹⁾ and power dams on tributary streams. The proposed Great Bear River dam, for example, could seriously deplete or alter the valuable fishery resource of Great Bear Lake. Other detrimental factors include improperly constructed tributary stream crossings by roads and highways (e.g. Rengleng River crossing) which block migration and cause downstream siltation, pollution from oil and chemical spills and industrial pollution as demonstrated by the arsenic problem at Yellowknife.

(1) Peace River, a major source of water in the Mackenzie River, has the Bennett Dam plus 4 others planned. A dam on the Slave River at Fort Smith has also been proposed.

A final concern associated with potential industrial development is anticipated increase in human population and the demands which will be made upon the sport fishery resources of accessible lakes and streams. Populations of certain lakes, particularly cold water lakes and the small streams which drain them cannot sustain heavy angling pressure over an extended period of time. These water bodies and the populations which they support should be identified and suitable protective measures developed prior to any industrial development that may be contemplated.

Beaver are distributed throughout the region and occupy most of the streams and many of the lakes within the Mackenzie basin. Largest populations occur on the Kakisa River drainage south of Fort Providence and the Ontaratue/Ramparts River area near Ft. Good Hope. Other "beaver areas" include the Slave River - Talston River area, and the Mackenzie delta/Ft. Macpherson region.

The importance of beaver extends far beyond its economic value as a fur producer. Its role in the development and maintenance of habitats for other wildlife forms and in the regulation of drainage throughout the Mackenzie basin cannot be overemphasized.

Although the species is not seriously affected by disturbance of habitat (Ruttan & Wooley, 1974 and others), a decrease in trapping pressure and in the management of populations as a result of industrial developments can be detrimental to both the species and the areas which they occupy. Beaver will colonize and remain in any particular area until the food supply has been depleted and then will abandon the area until food supplies (e.g. willow, poplar, birch) have regenerated. In northern areas, particularly in permafrost terrain, this recovery of the area may not occur for many years, if at all.

Wildlife managers have found that judicious cropping of beaver populations which does not allow the population to exceed the

carrying capacity of the habitat is the most effective form of population maintenance. During recent environmental studies associated with pipeline development, observers have frequently noted the effects of under-trapping, in the form of abandoned, dried-out and eroded beaver ponds and streams. Other wildlife such as moose, upland furbearers (fox, lynx, etc.) and waterfowl were scarce or absent in these areas. Much of this reduction in trapper effort has been attributed directly to temporary changes in employment patterns as a result of seismic line development, road construction, etc. Thus further reduction in beaver trapping activity as a result of employment in pipeline construction and other industrial developments presents a serious threat to wildlife over extensive areas which are not directly associated with the pipeline. This negative impact on the wildlife resource base is most applicable to the region north of Ft. Simpson, and particularly in environmentally sensitive, perma-frost regions.

Muskrat occur throughout the region but are found in largest numbers in the Slave River delta, near Ft. Good Hope and in the Mackenzie River delta. The ecological relationship with beaver varies with terrain, soil and hydrological conditions. However, muskrat habitats are often developed or maintained by beaver through creation of lakes and ponds (Ruttan & Wooley, 1974) and by the maintenance of water levels and regulation of flows through beaver dam construction.

The most direct effects of pipeline and other construction on muskrats are through alterations of drainage and siltation of muskrat lakes and ponds -- both of which can be detrimental to populations.

Marten occur throughout the region but are most abundant in mature stands of conifers such as spruce and jackpine which are associated with stream valleys and lake shore areas and which provide a reliable source of prey including snowshoe hare, mice and squirrel.

The most serious threat to marten populations is loss or fragmentation of extensive mature timber through fires or intensive logging operations both of which are anticipated with further industrial development.

Lynx occur throughout the forested portions of the region but are most abundant in mixed wood (deciduous and coniferous trees) and riparian areas where snowshoe hare, their primary prey, are most abundant.

Other furbearers such as black bear, wolves, colored foxes (red, cross, silver), weasels (ermine), red squirrel, mink, otter and wolverine occur throughout the forested portions of the area but vary widely in abundance. Arctic fox which den

in tundra areas only occur in the forest winter range of caribou. The terrestrial species (upland furbearers) in this group are most numerous in mixed forest areas associated with streams (riparian) and lake shores. Mink (a semi-aquatic species) are common along streams and lakes where fish and/or muskrat are present. Otter are relatively scarce but do occur in small numbers on streams which provide a reliable source of fish prey.

With some exceptions, notably wolves, black bear, and arctic fox the species described as other furbearers should be relatively unaffected by construction associated with industrial development except where areas are denuded or stream conditions altered. Increases in human population, however, usually results in increased and often wasteful hunting or "control" of large carnivores such as wolves and black bears. Arctic fox denning areas, such as those which occur on Richard's Island are seriously threatened by well drilling, gravel and sand removal and other construction activities.

Potential fur production for the region is unknown although environmental studies conducted during the period 1971-73 (Ruttan & Wooley, 1974; Watson et al., 1973; and others) suggest that both the habitat and the populations of major furbearers are capable of sustaining fur harvest (yields) which are comparable, on a localized basis at least, to those of the peak years of the 1920's. However, increased production of fur

requires implementation of modern fur management techniques with increases in investment in the industry. Because of the devaluation of the fur industry, fur management has been generally reduced to the administration of regulations concerning seasons, licensing, and trapper or trap-line organization, none of which result in protection or improvement of habitat or significant increases in the production of pelts. The recently established incentive grants to individual trappers (1) may increase trapping effort but it is unlikely to result in a significant revival of the fur industry. Fur management requires constant effort on a local or community basis by trained, knowledgeable and well-equipped personnel who can work closely with trappers in assessment of populations, development of habitat and in the harvesting of pelts.

The economic potential of the fur resource would also be enhanced by establishment of markets within the Northwest Territories such as a public or co-operatively owned auction centres at Yellowknife or Inuvik, fur garment manufacturing facilities in the region and handicraft centres in each community. (2)

The future of the fur resources is not as seriously threatened by environmental disruption as are the other renewable resources

(1) Each autumn a grant of 15% of the total sale price of his fur of the previous season to a maximum of \$300.00, is paid to each trapper who exceeds \$400.00 worth of pelts.

(2) Tanneries and expanded handicraft centres have been recommended by Black (1975) for communities such as Aklavik.

-- although this factor cannot be ruled out, entirely. The most serious threat lies in the socioeconomic changes that will occur, the modern attitudes toward trapping as a way-of-life and the reluctance of government to engage itself in effective development or management of this resource.

2. Game Mammals

Big game and small game mammals have been and are a major food source for indigenous people of the Mackenzie River valley and for many of those "outsiders" who colonized the region.

Despite their past and present use in providing low cost sustenance to many people and their modern role in the tourist trade, these game animals have also been devalued as an economically important resource.

Big Game

Big game resources consist of barren-ground caribou, moose, bison (buffalo), woodland (and mountain) caribou, Dall sheep and mountain goats. Grizzly bear, an "endangered species" in portions of Canada, and black bear are also big game as far as sport hunters are concerned.

(a) Barren-ground Caribou

Barren-ground caribou are probably the most important big game resource of northern people with herds numbering hundreds of

thousands within relatively easy reach of Mackenzie Valley settlements. The following summarizes and discusses pertinent information concerning barren-ground caribou as obtained from a wide variety of references and the personal experience of the senior author.

The population which might be utilized, consists of four major herds, each of which ranges, during part of its annual migration cycle, within or very near the Mackenzie drainage basin. *The Beverly Herd* which was estimated in 1967 at 159,000⁽¹⁾ and in 1971 at 162,803⁽²⁾ animals (not including 65,121 calves) ranges in fall, winter and early spring around the east end and southeast of Great Slave Lake and is available to hunters from Ft. Reliance, Snowdrift, Ft. Resolution, Hay River and Ft. Smith. Although only a portion of this herd enters the hunting territories of these villages, it is usually sufficient to meet most of their meat supply needs. The potential of this large herd is high with a harvestable population probably in excess of 3,000⁽³⁾ caribou per year.

- (1) A portion of this herd was censused on forest winter range -- a situation which usually results in a low estimate of population.
- (2) This estimate was based on calving ground survey which does not take into account a large number of males, non-calving females and yearlings which range during late May and June in the area around the junction of the Hanbury and Thelon Rivers. The actual population probably approximates or exceeds 250,000 animals.
- (3) The total harvestable population calculated conservatively at 5% is 10,000 to 12,500 caribou. However, this herd is also hunted by Saskatchewan-based Dene hunters and by Inuit of Aberdeen and Baker Lake areas.

The Bathurst Inlet Herd ranges in winter in the forest extending southward and southeastward from Great Bear Lake to the north (east) shores of Great Slave Lake and is utilized by Mackenzie basin communities from Ft. Franklin to Yellowknife. Ear tagging studies conducted between 1961 and 1965 indicate that the Bathurst and Beverly herds overlap on winter range north of Great Slave Lake. Population estimates of this herd have been conducted almost every year since 1967 by Game Division personnel (Boxer, Williams and others). The most recent census was made in 1974 and resulted in pre-calving estimates of 173,195⁽¹⁾ - 187,478⁽²⁾ caribou on the calving range east of Bathurst Inlet. Since this estimate did not include the 1974 calf crop, estimated at 9,374 and the bulls, non-calving females and yearlings which range west of Bathurst; a more accurate estimate would probably exceed 200,000 animals. The harvestable population in 1974 may therefore be calculated, conservatively, at 10,000+ animals and probably would equal this number in 1976.

The Bluenose Herd, which is reported to be under study, ranges in winter along the north shore of Great Bear Lake, west of Colville Lake and north to treeline. The herd which is utilized in winter by Ft. Good Hope/Colville Lake people and by other trappers along the Anderson River and north from Travaillant Lake, was estimated in 1967 at 19,000 animals. Because of the conditions existing at the time, this estimate was probably quite inaccurate.

(1) By transect census method.

(2) By block transect census method.

The writer's personal observations of the herd and the winter population observations by trappers suggest that the 1976 population exceeds 50,000 animals. Although the potential of this herd cannot be calculated accurately, on the basis of present data, the reported annual harvests by Ft. Good Hope/Colville Lake people suggests that 2,000⁽¹⁾ or more caribou could be taken annually by Mackenzie River trappers.

The Porcupine Herd, which is usually associated with the Yukon Territories and Alaska, is hunted along the Richardson Mountains by Fort McPherson and Aklavik people. This herd has been estimated at 90,000 - 120,000 (Jakimchuck et al., 1974; Calef and Lortie, 1973) a portion of which appears in spring and autumn along the Richardson Mountains.

These four herds now supply hundreds of thousands of pounds of excellent meat and many valuable skins to Mackenzie Valley residents but with systematic management would constitute a multi-million dollar domestic and commercial resource. Although millions of dollars have been expended in caribou research during the past 26 years, no concerted effort was made to develop or implement a systematic or long range caribou management program. Management consisted largely of data gathering (albeit management data), extensive wolf control programs and attempts to regulate and/or reduce caribou hunting by native people. The effectiveness of

(1) The Bluenose herd is also hunted by Inuit of Paulatuk and Coppermine.

these "management" measures was never assessed. However, in 1968, Ruttan (1968) outlined a caribou management plan, at the request of the Commissioner and discussed it with him. This program was intended to facilitate the expanded domestic and commercial use of caribou but was never implemented fully.⁽¹⁾ In 1969, the Technical Committee for Caribou Preservation drew up guidelines for caribou management which have not yet been implemented, except in the annual census of the Bathurst Inlet Herd and others (1971) and the calculation of conservative harvest limits at the time of census.

If the full potential of the barren-ground caribou resource is to be realized, similar guidelines should be developed and a full-scale management program implemented in the near future. Although the environmental impact of the proposed pipeline does not in itself constitute a severe threat to the caribou resource, other developments such as roads, power dams and human population increases may seriously disrupt or decimate specific herds or portions of herds. Thus the urgency of protective measures as well as effective management of the caribou resource cannot be overemphasized.

(1) It may have stimulated the decision to allow and assist organized native hunting and the sale of meat by native people.

(b) Woodland Caribou

Woodland caribou are also an important wildlife resource of the region. Although there is some argument among wildlife biologists it appears that the populations may be divided -- on the basis of seasonal distribution and habits at least -- into two major groups or types.

The first and most familiar type of woodland caribou includes those which range throughout the coniferous forests and muskeg areas from the Cameron Mountains in the south to Arctic Red River and Travaillant Lake in the north. These caribou usually range in small scattered bands and are of most use to winter trappers.

The second type occurs in large bands throughout the Mackenzie Mountains spending much of its life cycle on alpine and sub-alpine tundra. There "mountain" caribou were, until the 1930's, a primary resource of "mountain people" who now reside at Fort Norman, Fort Good Hope and other settlements. Occasional community hunts are still organized and carried out from the settlement bases but the species is more regularly used by licensed outfitters from outside the Northwest Territories.

Since very little is known of the current population status or seasonal distribution of "mountain" caribou it is very difficult to evaluate its potential from either its domestic or commercial

points of view. Any sort of systematic hunting either for community meat supply or by licensed sport hunters, should be preceded by a systematic census and population analysis.

Both of these caribou types are susceptible to human and habitat disturbance, particularly on their winter range. The primary concern is the loss or fragmentation of winter range by increases in fire or timber harvesting.

Moose

This species rivals barren-ground caribou as a domestic resource and source of food for northern people. It is widely distributed throughout all of the forest areas of the Mackenzie Basin with "concentrations" found on the islands and floodplains of the Mackenzie and other rivers in winter and in the mixed forest areas of the region on a year-round basis.

The most serious threat to present moose populations is the loss of populations on Mackenzie River islands by disturbance of wintering areas on islands and floodplains and interruption of movement between upland areas and river valley wintering areas. The second threat is increase in human populations and excessive hunting pressure.

The population status is not clear, however, with careful management this species will continue to be a valuable wildlife resource.

Bison

Bison are an important resource in the southern part of the region. Primary bison range extends from Great Slave Lake to Fort Chipewyan, Alberta. This resource has been damaged by loss from disease, drowning and other factors such as wolf predation as well as more recent encroachment on the habitat by roads, mineral development, etc. Under thoughtful management, however, the potential as a meat producer is high. The herds are presently under study.

Dall Sheep

This (white) mountain sheep is resident of the Mackenzie and Richardson Mountains and was for many years a popular game animal for "mountain people". It is now hunted by residents of Aklavik and occasionally by other valley residents while engaged in hunting "mountain" caribou. On a regular basis it is preferred trophy animal -- taken by sport hunters from outfitter camps in the Mackenzie Mountains.

Its status at present is vague and its potential unknown.

Mountain Goat

This relatively rare game animal occurs at least in the southern part of the Mackenzie Mountains but its distribution and population status is virtually unknown. Elderly mountain people

are very knowledgeable with regard to this species which was hunted by them until the early 1930's. However, despite these factors and its susceptibility to over-hunting and other human disturbance, it is hunted by licensed sport hunters from outside the Northwest Territories.

Waterfowl

The waterfowl resource of the Mackenzie basin consists primarily of Canada, Snow and Whitefronted geese, and several species of ducks which use the Mackenzie River valley during spring and fall migrations. Waterfowl use varies from settlement to settlement but is probably highest in the Mackenzie River delta during staging and migrations.

Since these species are only available in huntable numbers for short periods in spring and fall and since most of their use occurs south of the 60°; the potential for future use on a regional or community basis is not particularly high.

Upland Game Birds

Upland game includes Ptarmigan, Sharp-tailed Grouse and Ruffed Grouse. Of these Ptarmigan are heavily utilized in winter wherever they appear throughout the basin and as such constitute a valuable seasonal food source.

Sharp-tailed Grouse are hunted in winter at several points as far north as Fort Good Hope, but do not constitute a reliable source of game meat.

Ruffed Grouse are fairly common in the central and southern regions but appear, from scanty records, to be most numerous in the mixed wood areas south of Fort Simpson.

Other Game

Snowshoe hare (varying hare) are probably the most important small game species along the entire valley and when populations are high are harvested in thousands.

C. Forest Resources

The Mackenzie River basin is nearly 1,000 miles long and is forested throughout. The tree species represented are white spruce, black spruce, larch, white birch, balsam poplar, trembling aspen, jackpine and lodgepole pine.

Accurate vegetation mapping and forest inventories are essential for evaluating the timber resources of the Mackenzie basin and determining the most prudent strategies for their utilization on a long range basis. Over a 20 year period reconnaissance and survey efforts have been directed to selected areas within the river valley, but a comprehensive vegetation mapping program was not undertaken until the initiation of studies associated with a possible transportation corridor (Forest Management Institute, 1974). A description of forest regions, sites, species distribution and estimations of available timber resources based on this map series was subsequently developed by the Canadian Forestry Service (R.P. Hivronen, 1975). The continuing need for additional detailed and accurate information, however, is well recognized (Schultz and Co., 1975; Hivronen, 1975).

The distribution and condition of trees is governed by climatic factors - precipitation, temperature, length of growing season and wind, as well as by site conditions such as aspect, moisture regime, drainage, soil characteristics and ground ice. The

tolerance of each species for the rigorous environmental conditions which increase northward establishes the geographic limits of its range.

All the tree species mentioned at the outset are found in the upper Mackenzie where growing conditions are optimum, the number of species represented and their quality diminishing toward the northern end of the valley. White spruce which produces the highest quality lumber is found primarily in the south, but its range extends well to the north. Black spruce, used primarily for pilings, is ubiquitous. Other potentially valuable species are white birch and larch, although larch is seldom found in pure stands. Lodgepole and jackpine are commonly restricted to dry sandy soils, generally in the vicinity of and south of Fort Simpson.

The most extensive stands of commercially valuable timber occur in the Liard valley and south and east of Fort Simpson, and on the alluvial floodplains and islands along the Mackenzie River and its tributaries. Moderate to well-drained uplands also support merchantable stands of mixed forest. Poorly drained bogs and low lying regions support stagnated and unthrifty black spruce forest.

The timber resources within the Mackenzie basin fall into three sections, based on their productive capacity for merchantable timber (after Hivronen, 1975).

The Southern Section extends from 60° to 62° north latitude, just north of Fort Simpson. It includes the forests of the Liard drainage and the forests adjoining the Mackenzie River.

The Central Section is located between 62° and 65° N., paralleling the Mackenzie River to Fort Norman.

The Northern Section is located between the 65°th and 68°th parallels of latitude, from Fort Norman to the Mackenzie Delta.

Briefly, the forest resources are estimated:

	South	Central	North	Total
sq miles surveyed	11,770	7,152	16,852	36,000
sq miles of productive forest	5,199	1,912	1,866	8,977
% productive forest	44.2	26.7	11.1	

Of the 36,000 sq miles surveyed, approximately one fourth is productive forest. The 8,977 acres include one third softwoods (conifers), over one half mixed forest, and the remainder hardwoods (i.e. aspen, poplar, birch). Half of the productive forest stands are less than forty feet tall and only one tenth (or less) are over 60 feet.

Productive forest by section of the Mackenzie River valley are (after Hivronen, 1975):

15% are in the Northern Section, greater than half the total area,

20% are in the Central Section, nearly 20% of the area,

63% are in the Southern Section, 33% of the total area.

The estimates of potentially exploitable timber resources cited here must be regarded with caution and with due regard for their limitations. No information is available for calculating cull which, especially in the north, will undoubtedly be high. Because of the problems of mapping and aerial survey interpretation, calculation of available timber can only be approximate. Small stands, albeit not usually considered economic under conventional harvesting practices may be omitted, while other areas may be overestimated. Accurate survey is difficult because of the irregular distribution of commercially valuable timber which is characteristic of northern forest -- a condition which reflects the sensitivity of vegetation to microenvironmental variations in permafrost, topography, climate and past fire occurrence.

Other factors that influence northern logging operations and forest management are the problems of road building, cutting and skidding, restocking and regeneration, and the maintenance of soil stability in permafrost areas. Productivity in the north is low and timber growth is very slow; up to 200 years may be required to grow a merchantable tree.

In view of these environmental and operational constraints, it can clearly be seen that conventional large scale harvesting methods cannot be applied without carefully evaluating their long range effects. Silvicultural practices can and should be developed that are appropriate to the limitations of northern forests

A recent study (Schultz and Co., 1975) has indicated that a substantial market exists for locally produced lumber and pilings, and that a mill⁽¹⁾ could be established at Fort Simpson to accommodate present and future markets particularly associated with pipeline development. The site was considered suitable because of accessible timber supplies and its strategic location for the distribution of forest products. Other findings from this study are that a small mill might be supported on the lower Mackenzie River, probably near Ft. Good Hope, but that no large mill could be maintained. Further, the lack of a reliable forest inventory is emphasized and the problems of arctic regeneration conservatively assessed.

At the present time there are seven mills operating in the Northwest Territories, mostly small community operations such as those at Fort Providence, Fort Good Hope and Arctic Red River. While they are not all recognized as highly profitable ventures, they contribute substantially to the local economies by furnishing seasonal jobs and locally needed products. Limited operation

(1) A 6 to 10 MM BM per annum production is recommended.

mills designed to serve the needs of small communities may well prove to be the most efficient way of utilizing the irregularly distributed timber resources of the upper Mackenzie basin.

Rumors are occasionally heard of schemes suggested for pulp operations, based on black spruce and hardwood resources. There is at this time no evidence that the Mackenzie valley forests could support such a consumptive enterprise. The environmental disruption that must inevitably accompany the large scale harvesting procedures required to sustain a pulp industry of any size would destroy other valuable renewable resources such as fisheries, fur harvesting, hunting, sport and tourism.

Responsible forestry concerns not only the goals of sustained yield timber production but also the recognized value of multiple resource utilization based on integrated land use policy and practices. This requires careful evaluation of alternative land uses, particularly those utilizing other renewable resources, to identify those that are complimentary, compatible or conflicting. Once identified, conflicts can often be avoided or at least minimized.

When all the costs and revenues associated with timber production in the Mackenzie basin are known, especially in the northern section, and the other renewable resources are properly evaluated, enlightened decisions can be made to optimize use of all the available forest resources.

Proposed development along the Mackenzie valley includes highway and pipeline construction projects, which could present additional hazards to the forest environment. Increased incidence of man-caused fire, dust damage to trees, alteration of hydrological regimes and erosion constitute the most immediate impacts. Secondary effects derive from general increase in human population. The influx of workers, tourists and new residents requiring accommodation and services are likely to increase demands on forest products and forest use. Careful planning and appropriate safeguards would reduce or avoid deleterious impacts.

Community Resources -- Ft. Good Hope/Coleville Lake

With very few exceptions, the renewable resources of the region are also represented in each of the communities along the length of the Mackenzie River basin. Variations in distribution and abundance are the result of variations in climate, terrain and the degree of disruption or exploitation which has occurred during the past 50 years. The most severe disruptions of the resource base have occurred south of Wrigley and have been those associated with settlement and the construction of roads, railroads and expanded town sites.

The Ft. Good Hope/Coleville Lake community includes the land used by people of Ft. Good Hope and Colville Lake settlements and is most representative of the region which extends from about Ft. Simpson to Arctic Red River. Certain aspects of the area also resemble portions of the region south of Ft. Simpson and north of Arctic Red River. Thus the resource potentials are applicable, in principle at least, to any part of the Mackenzie basin and related areas outside the basin.

The renewable resources which are available or used by this community are discussed below along with estimates of current and potential production and economic value wherever possible.

Fisheries Resources

The Mackenzie River has always been a major source of fish for Ft. Good Hope residents and each summer a number of fish camps are established along its shores (see Map and Table 1). The primary Mackenzie River species are cisco, whitefish, inconnu and northern pike although a variety of other useful species occur.

There are also a great many "upland" lakes and streams which are well-known to the residents of the parent Ft. Good Hope settlement in addition to the complex of lakes surrounding the Colville Lake settlement. More than 50 of these lakes (Tables 2 & 3) are fished regularly or occasionally by residents of Ft. Good Hope with large numbers of lake trout, whitefish and northern pike being harvested along with other species of lesser importance. Arctic grayling (bluefish) also occur in many of these water bodies.

No estimates of fish harvests are available for the Colville Lake community but their use of trout and whitefish is reported to be high and probably is similar to the use of these species at Fort Franklin as described by Rushforth (1976). Bissett (1974) estimates the annual use of fish by Ft. Good Hope people at 100,000 pounds. It is not known whether Bissett includes Colville Lake people in his estimates but the brief surveys at Ft. Good Hope suggest that he did not. In any event, the field studies indicate that between 127,000 and 186,000 pounds of fish were taken by Ft. Good Hope people between July and December, 1975

(Table 4). The imputed replacement value of this fish has been calculated at \$143,789 - \$209,318.00.

The potential fish production or economic value cannot be calculated on the basis of present information but is considered by residents to be very high. However, on the basis of present information, an annual production of 500,000 to 1,000,000 pounds of fish is not unreasonable.

Suggestions for the Improvement of the Fisheries Potential

Assuming future control of resources and the development of a long range fish management program, maximization of the economic value of the fishery of Ft. Good Hope/Coleville Lake community could be accomplished by the establishment of community and regional markets, and various forms of processing for domestic and commercial use or re-sale. Certain lakes or streams might also be used for development of sport fishing camps.

1. Domestic/Commercial

(1) The sale by individuals of surplus fresh, frozen, or processed food fish to a central establishment for re-sale to other residents who are on wage employment or otherwise unable to participate in the resource harvest.

(2) Organized (co-operative) capture and re-sale of fish to other members of the community or to other communities.

(3) Capture and sale of coarse fish (other than trout, whitefish,

inconnu, etc.) for dog feed.

(4) Organized (co-operative) commercial fishing on selected lakes which are readily accessible to residents of the community.

Commercial fishing, however, requires:

(a) the prior establishment of commercial markets such as institutions, hotels and stores in larger centers, for the sale of fresh, frozen or processed fish, and,

(b) the development of suitable storage and transportation facilities prior to commercial fishing operations.

2. Sport Fishing and Tourism

The economic value of the fisheries of all communities as a basis of the tourist industry, is rapidly increasing. At the present time there are several fishing lodges in operation on Great Bear Lake and one at Colville Lake but there are almost unlimited possibilities for the establishment of other small lodges or camps on other lakes or major streams throughout the community.

As part of the development of this aspect of the fishery, various lakes should be examined to determine their long term potential as sport fishing areas. Fort Good Hope/Colville Lake people may take advantage of the sport fishing potential of this community (at some point in the future) by:

(1) establishment of individually or group-owned lodges or camps on one or more selected lakes within the community,

(2) development of sport fishing/sightseeing canoe tours on the river and lake systems of the area,

(3) reservation by the community of certain lakes where no large development (i.e. a permanent lodge) is allowed but where a fee is charged for use of the lake or for fish removed from it. Canoes, boats or guide services may also be supplied.

Table 1. Mackenzie River fishing camps and estimated harvest by Fort Good Hope people in July and August 1975

<u>Name of Fishing Camp</u>	<u>Approximate Number of Fish by Species</u>		
	<u>Whitefish</u>	<u>Inconnu</u>	<u>Cisco</u>
Hume River	300-600		300-600
Fara-Sun			4,000-6,000
Ka-Ho-Yi			4,000-6,000
Ka-lo-An			4,000-6,000
Wara-Da-Gun			2,000-3,000
Hare Indian River	500-700	100-200	
Kon-J h-Del	1,000-1,500	100-200	
Onki-Fa-Yi-La	1,000-1,500	200-300	
Do-Ho-Sha	1,000-1,500	200-300	
Loon River	1,000-1,500	200-300	
Total Fish	4,800-7,200	800-1,300	14,300-21,600
Estimated Total Weight (lbs)	9,600-14,400	1,600-2,600	28,600-43,200

Source: Field Data -- reported by fishermen with estimates are based on the number of bales of dryfish made by individual families, and other information supplied by fishermen.

Table 2. Approximate number of fish taken from 10 lakes by Fort Good Hope people between September and December 1975

Approximate Number of Fish by Species

<u>Name of Lake</u>	<u>Whitefish</u>	<u>Cisco</u>	<u>Pike</u>	<u>Trout</u>
Loon Lake		4,000-5,000		
Rorey Lake	720-1,080		240-360	240-360
Manuel Lake	900-1,200		300-400	300-400
Yealta Lake	900-1,200		300-400	300-400
Careajon Lake	480-720		120-240	120-240
Tadek Lake	600-900		200-300	200-300
Island Lake	2,100-2,700		700-900	700-900
Marion Lake	1,500-2,100		500-700	500-700
Tso-A-Twe	900-1,500		300-500	300-500
Lac a Jaques	2,800-3,600	2,800-3,600	700-900	700-900
Total	10,800-15,000	6,800-8,600	3,360-4,700	3,360-4,700

Source: Field Data -- obtained from individual families

Table 3. Some known fish lakes in the Fort Good Hope/
Colville Lake region

<u>Name</u>	<u>Location</u>	<u>Major Species</u>
1. Unnamed	67°-00'N 130°-33'W	Whitefish, trout
2. Unnamed	67°-00'N 131°-00'W	Whitefish, trout
3. Unnamed	67°-05'N 131°-15'W	Trout, whitefish
4. Unnamed	67°-13'N 131°-13'W	n/a
5. Tusieta	67°-16'N 130°-00'W	Whitefish, pike, trout
6. Rond Lake	67°-07'N 128°-31'W	Whitefish, trout
7. Canot Lake	67°-20'N 128°-45'W	Whitefish, trout, pike
8. Unnamed	67°-04'N 126°-47'W	Whitefish, trout
9. Unnamed	67°-08'N 127°-00'W	n/a
10. Unnamed	67°-10'N 126°-29'W	n/a
11. Unnamed	67°-10'N 127°-30'W	n/a
12. Tchendferi Lake	67°-14'N 127°-15'W	Whitefish, trout
13. Unnamed	67°-15'N 127°-55'W	n/a
14. Unnamed	67°-18'N 127°-52'W	Whitefish, trout
15. Unnamed	67°-15'N 126°-46'W	n/a
16. Unnamed	67°-17'N 126°-55'W	n/a
17. Unnamed	67°-22'N 127°-03'W	n/a
18. Unnamed	67°-25'N 127°-05'W	Whitefish, trout
19. Unnamed	67°-32'N 127°-32'W	Whitefish, trout

Table 3. continued

20. Aubry Lake	67°-25'N 126°-30'W	Whitefish, trout, pike
21. Unnamed	67°-35'N 127°-05'W	Whitefish, trout, pike
22. Unnamed	67°-44'N 127°-26'W	Whitefish, trout, pike
23. Unnamed	67°-50'N 127°-27'W	Whitefish, trout
24. Unnamed	67°-50'N 127°-10'W	n/a
25. Tedji Lake	67°-42'N 126°-35'W	Whitefish, trout, pike
26. Faka Twe	67°-38'N 126°-10'W	Whitefish, trout
27. Newelin Lake	67°-50'N 126°-00'W	Whitefish, trout, pike
28. Unnamed	67°-50'N 125°-40'W	Whitefish, trout, pike
29. Luga-Tene Twe	67°-32'N 125°-25'W	Whitefish, trout, pike
30. Colville Lake	67°-10'N 126°-00'W	Whitefish, trout, pike
31. Sa-lua-Twe	67°-22'N 126°-00'W	Whitefish, trout, pike
32. Ka-ta-neii-twe	67°-25'N 125°-35'W	Whitefish, trout, pike
33. Lac Maunoir	67°-30'N 125°-00'W	Whitefish, trout, pike
34. No-ga-lua-twe	67°-35'N 124°-35'W	Whitefish, trout
35. A-ga-gai-twe	67°-18'N 124°-53'W	Whitefish, trout
36. Luga-lo	67°-15'N 124°-50'W	Whitefish, trout
37. Unnamed	67°-23'N 124°-20'W	n/a
38. Unnamed	67°-18'N 124°-28'W	n/a
39. Luga-na-twe	66°-55'N 124°-30'W	Whitefish, trout, pike

Table 3. continued

40. Lac Des Bois	66°-50'N 125°-10'W	Whitefish, trout, pike
41. Tweed Lake	66°-46'N 125°-50'W	Whitefish, trout, pike
42. Lac Belot	66°-55'N 126°-15'W	Whitefish, trout, pike
43. Tunago Lake	66°-20'N 125°-50'W	Whitefish, trout, pike

n/a -- information not available at time of field study

Source: Field Data -- obtained from Fort Good Hope residents

Table 4. Estimated harvest and replacement value of fish harvested by Fort Good Hope people between July and December 1975

Species	Edbile Weight (lbs)	Number of Fish	Total Weight (lbs)	Replacement Value/lb (\$)	Approximate Value (\$)
Whitefish	3.8	20,400-29,400	65,280-94,080	1.50/.35	82,906-119,482
Inconnu	7.0	1,600-2,600	11,200-18,200	1.50/.35	15,512-25,207
Cisco	.8	35,400-51,800	28,320-41,440	1.50/.35	18,054-26,418
Pike	2.0	3,360-4,700	6,720-9,400	1.50/.35	3,125-4,371
Trout	4.8	3,360-4,700	16,128-22,560	1.50	24,192-33,740
Total		64,120-93,200	127,648-185,680		143,789-209,318

* Edible weights are after Rushforth (1976)

** Replacement value is based on Rushforth (1976), where the \$1.50/lb is the replacement value of fish consumed by humans and \$.35/lb is the replacement value of fish consumed by dogs. (It is estimated that 80% of the whitefish are consumed by humans, 90% of the inconnu are consumed by humans, 25% of the cisco are consumed by humans, 10% of the pike are consumed by humans, and 100% of the trout are consumed by humans.)

Source: Field Data -- from fishermen

Wildlife Resources

The wildlife resources of the Ft. Good Hope/Colville Lake community encompass a broad spectrum of furbearers, game animals and bird species, of which some exhibit attractive potentials for improved economic use.

A. Furbearers

Furbearers are the major source of direct income from renewable resources with much of the edible game food obtained while trapping. The major fur resources of the community are marten, beaver and muskrat with lynx becoming important in years of high population. Recent fur harvests have been valued at more than \$48,500 per season (Table 5 to 8) in terms of direct returns to trappers.

1. Marten

The species is the most important fur-resource in terms of revenue, particularly for residents of Colville Lake who reside in excellent marten country. However, good marten trapping areas also occur west of the Mackenzie River, around the upper Ramparts River and north of the Ontonagon River.

The potential of this species is high, since present and past production comes from only a small portion of the total range.

It is estimated that the production of this species could readily exceed 3,000 pelts/year and a total value of \$57,000 based on recent prices.

2. Beaver

Beaver are the second most important fur resource with some 400 to 800 pelts sold each year for an annual direct trapper return of \$7,000 to \$13,000. Most of these are taken in the Ontaratue/Ramparts Hume River area west of Fort Good Hope and in a few of the other tributaries of the Mackenzie River.

With the exception of the Ontaratue etc. area and the Hanna-Donnelly River area which were surveyed in 1970, 1972 (Ruttan & Wooley, 1974), the total beaver population is unknown.

However, on the basis of population and habitat studies conducted by Ruttan & Wooley in 1971 and 1972 and by the Canadian Wildlife Service in 1972, an estimate of the total population would be in excess of 5,000 beaver in the areas now utilized by Fort Good Hope/Colville Lake trappers.

Even under the present conditions, the annual harvest could easily reach 1,600 pelts, valued at \$25,000. (Table 6) and with systematic management would probably exceed 2,000 pelts/year valued at \$32,000.

3. Muskrat

Although muskrat trapping has declined in the past decade the species still provides a fairly dependable source of pelts and fresh meat, particularly during the spring. Excellent muskrat habitat occurs in the complex of lakes in the Ontaratie/Ramparts Hume River, and in many smaller areas along the Mackenzie River Valley. (Several of the latter are small floodplain lakes and estuaries which are threatened by the present location of the proposed gas pipeline.)

Recent production has varied from 1,600 to 2,800 pelts with values from \$2,200 -4,800. With management and some concentrated trapping the muskrat harvest could be increased to 10,000 or more pelts valued at about \$20,000.

4. Other furbearers

Other species including mink, wolf, colored and white foxes, lynx, squirrel, ermine (weasel), otter and wolverine form a much smaller part of the peltry of the community. With some exceptions, notably lynx, most of these species are either rare, too widely distributed or harder to trap than marten, beaver or muskrat. The market demand and value also varies widely.

Lynx are cyclic and are most numerous during and immediately following the peaks of the rabbit (varying hare) population cycle. They are, however, easy to trap and usually demand a good market price⁽¹⁾ and when plentiful are valuable fur resource.

Several of the species, particularly wolf, fox, and wolverine are of considerable value to the handicraft/garment industry.

Although the rabbit is usually regarded as a food species at Ft. Good Hope, it is not generally considered to be an economically important furbearer. Nevertheless, the use of its hair in the manufacture of felt and other cloth products greatly increase its potential as a secondary fur resource.

Suggestions for Improvement of the Fur Industry Potential

The fur industry potential at Ft. Good Hope and Colville Lake would be much improved by:

(1) a management program designed to improve habitat and increase production of muskrats and beaver in the Ontaratue/Ramparts and Hume River area,

(2) systematic harvesting of beaver in the Hanna-Donnelly River area and other low productivity habitats of the community,

(1) Lynx prices at the Edmonton Fur Auction reached an all time high in 1975/76, with the best pelts sold at more than \$300.00.

(3) development of "outpost camps" or satellite communities in productive fur and game areas which are not readily accessible to individual trappers (e.g. Upper Ramparts and Arctic Red River, Mountain River, edge of Barrenlands northeast of Colville Lake,

(4) sale of pelts by way of public auction or through community or resident-owned trading store (See Tables 7 and 8 for comparisons of prices paid by different marketing agencies),

(5) development of a tannery and handicraft shop for more profitable disposal of damaged or low value pelts, as well as wolf, wolverine, and fox pelts which often are more valuable in the handicraft industry than as raw pelts,

(6) trapper and wildlife management education for children in classroom and field experience (see Guidelines).

Table 5a. Fort Good Hope/Colville Lake* fur harvest in 1970-71 and 1971-72

<u>Species</u>	<u>1970-1971</u>		<u>1971-1972</u>	
	<u>No. of Pelts</u>	<u>Total Value</u>	<u>No. of Pelts</u>	<u>Total Value</u>
Black Bear	6	103.80	9	301.77
Beaver	667	7,070.20	632	10,036.16
Cross Fox	2	28.70	17	229.54
Red Fox	1	10.28	14	192.50
Silver Fox			1	14.69
Arctic Fox	6	68.66	6	667.92
Lynx	30	508.50	37	991.60
Marten	1,083	10,667.55	1,435	14,924.00
Mink	48	544.32	82	1,331.68
Muskrat	1,023	1,319.67	1,515	2,545.20
Otter			2	51.76
Squirrel	63	15.12	115	32.20
Weasel	6	2.70	37	15.91
Wolf	5	170.90	11	489.50
Wolverine	1	44.60	2	111.12
		<u>\$20,550.00</u> Total		<u>\$32,198.00</u> Total

*Records may not include all of Colville Lake fur harvest

Source: Fur Export Tax Returns

Table 5b. Fort Good Hope/Colville Lake fur harvests 1972-73 to 1974-75 inclusive

Species	1972-1973		1973-1974		1974-1975	
	Number of Pelts	Total Value	Number of Pelts	Total Value	Number of Pelts	Total Value
Black Bear	20	1,043.65	13	829.15	15	560.41
Beaver	815	13,257.86	423	7,218.19	665	7,010.66
Cross Fox	20	722.70	15	792.29	21	743.52
Red Fox	28	604.93	18	857.46	37	1,325.87
Silver Fox	5	64.00	1	25.00	2	43.26
Arctic Fox	2	40.50	15	544.62	16	660.36
Lynx	16	894.19	4	358.58	6	604.00
Marten	1,308	21,837.35	598	12,680.25	1,640	26,299.21
Mink	181	3,303.50	100	2,903.99	75	880.94
Muskrat	1,615	2,272.85	1,851	3,383.60	2,802	4,841.28
Otter	2	92.28			2	73.18
Squirrel	62	21.50	10	7.51	43	20.64
Weasel	111	55.89	157	131.12	186	124.41
Wolf	4	186.88	2	731.11	2	225.00
Wolverine			2	189.28		
Incentive Grants*		- - -		not available		4,972.27
Totals		\$44,398.08		\$30,652.15		\$48,525.91

* Incentive grants to individual trappers are paid by the N.W.T. government and are calculated on the basis of 15% of the total price received for pelts, where the total price exceeds \$400.00 and also does not exceed \$2,000.00 (maximum grant is \$300.00).

Source: N.W.T. Game Division

TABLE: 6 POTENTIAL ANNUAL FUR HARVEST IN THE FORT GOOD HOPE/COLVILLE LAKE COMMUNITY (1)

<u>Species</u>	<u>Estimated</u>	<u>Est. Average ³ Value</u>	<u>TOTAL VALUE</u>
Black Bear	20	55.00	1,100.00
Beaver	2000 (2)	16.00	32,000.00
Fox			
Cross	20	45.00	900.00
Red	20	37.00	740.00
Silver	10	18.00	180.00
Arctic	200 (2)	40.00	8,000.00
Lynx	100	79.00	7,900.00
Marten	3,000 (2)	19.00	57,000.00
Mink	300	22.00	6,600.00
Muskrat	10,000 (2)	2.00	20,000.00
Otter	10	45.00	450.00
Squirrel	200	.50	100.00
Weasel	200	.75	150.00
Wolf	50	157.00	7,850.00
Wolverine	10	104.00	1,040.00

TOTAL VALUE: \$145,060.00

1. Conservative Estimates assuming a slight increase in general fur harvest under more systematic trapping programs.
2. Assuming increased yields on special management projects for these species.
3. Arbitrary value based on approximate 3 year average price paid for Fort Good Hope/Colville Lake fur plus 10% increase in value under improved marketing.

COMPARISON OF PRICES PAID FOR FORT GOOD HOPE/COLVILLE LAKE FURS BY THREE PURCHASING AGENTS
IN 1972/73 TRAPPING SEASON

Species	HUDSON'S BAY COMPANY				KAPANI CO-OP (COLVILLE LAKE)				EDMONTON FUR AUCTION			
	No. of Pelts	Total Price	Average Price	No. of Pelts	Total Price	Average Price	No. of Pelts	Total Price	Average Price	No. of Pelts	Total Price	Average Price
Black Bear												
Beaver	660	10,932.00	16.56	1	50.40	50.40	61	694.39	11.38	19	993.25	52.28
Bobcat										94	1,631.47	17.35
Coon	8	225.00	28.12	11	468.70	42.60				1	29.00	29.00
Badger	4	75.00	18.75	13	492.01	21.39				1	37.92	37.92
Elk	2	25.00	12.50	3	39.00	13.00						
Ferret	1	25.00	25.00							1	15.50	15.50
Gr. Squirrel	12	527.00	43.91	2	160.00	80.00				2	207.19	103.59
Arctic	488	7,284.75	14.92	727	12,122.14	16.67				93	2,430.46	26.13
Chinchilla	42	859.00	20.45	127	2,230.35	17.56				12	214.15	17.85
Skunk	1,137	1,494.50	1.31	436	701.99	1.61				42	76.36	1.80
Possum				2	92.28	46.14						
Red Squirrel	62	21.50	.34									
Weasel (Ermine)	52	14.25	.27	59	41.64	.70						
Timber Wolf				4	186.88	46.72						
TOTALS		\$21,474.25			\$17,279.78						\$5,635.30	

Big Game

The most important big game resources of the Ft. Good Hope/Colville Lake community now include moose, barren-ground caribou and woodland caribou. "Mountain" caribou and Dall sheep also occur in the Mackenzie Mountains but have not been hunted regularly by the Ft. Good Hope residents since the late 1920's.

1. Moose

Moose are found throughout the entire area. However, the most productive range includes the lake and stream complex of the Ontaratue/Ramparts/Hume River "delta". Moose are also found, in smaller numbers, in the Colville Lake area and along other streams which drain into the Mackenzie River. Many moose winter on the islands and floodplains along the Mackenzie River where they are hunted by Ft. Good Hope residents.

The annual moose harvest has been recorded at 78⁽¹⁾ in 1970/71, 91⁽²⁾ in 1971/72 (Bissett, 1974) and 99 in 1972/73⁽³⁾. The imputed replacement value of meat and skins from the 1972/73 harvest was \$163,300.00 (Table 9). These records may not

(1) Reported by 55 trappers.

(2) Reported by 40 trappers (5 from Colville Lake).

(3) Reported on General Hunting Licenses by 66 of 111 trappers.

have been complete but it is doubtful that more than 150 moose are harvested in any one year. The estimated harvest during the period September 1975 to March 1976 was 40 moose at an imputed replacement value for meat of \$69,625.00 (after Rushforth, 1976) (Table 10).

The potential annual harvest limits cannot be accurately estimated from present population data but might exceed 300 moose/year if outlying areas were hunted. Knowledge of the habitat (Ruttan & Wooley, 1974) along with trapper reports suggest that this harvest would not be unrealistic or detrimental to the population.

Moose populations are most seriously endangered by disturbance or loss of critical wintering areas on islands and floodplains along the Mackenzie River north and south of Ft. Good Hope. The effects of disturbances of stream valleys on moose migration are unknown but may also be detrimental. Increased hunting pressure by "outsiders" also endangers the moose population.

2. Barren-ground Caribou

Barren-ground caribou of the Bluenose Herd are harvested annually on winter range which extends through Colville Lake to areas between Colville Lake and Ft. Good Hope (see Map). The latest

records⁽¹⁾ indicate a harvest of more than 350⁽²⁾ caribou per year for an imputed value of more than \$96,000.00 in terms of replacement value of meat and the sale or use of skins.

The potential safe harvest limits of this species cannot be determined without accurate estimates of total populations and annual increments⁽³⁾ but it is believed that 800-1,000 caribou might be harvested annually by hunters of the community without endangering the herd.

The value 80,000 - 100,000 pounds of meat and 500 - 800 skins⁽⁴⁾ from this harvest would be greatly increased by the use and sale of surplus meat and skins through settlement-based facilities.

3. Woodland Caribou

Woodland caribou exist in scattered herds at various points throughout the unburned forest areas east and west of the Mackenzie River (Map). These caribou are utilized by winter trappers but do not constitute a major source of game meat for settlement residents.

(1) General Hunting License returns for 1972-73 returned by 66 of 111 trappers.

(2) May also include some woodland caribou.

(3) See Technical Committee for Caribou Preservation, Annual Meeting, 1969.

(4) Some loss of skins by warble fly damage is expected.

4. "Mountain" (Woodland) Caribou

"Mountain" (Woodland) caribou occur in the southwest part of the community around the upper portions of the Arctic Red, Ramparts and Mountain Rivers. Except for occasional organized hunts these caribou have not been extensively hunted since 1931 (Caesar and others pers. comm.).

The potential of this population as a huntable resource should be investigated.

5. Dall Sheep

Dall sheep also occur in the Mackenzie Mountains in the upper portions of the Mountain River and Arctic Red River drainages. It has not been hunted extensively by Ft. Good Hope people since the 1930's and its present status and potential is unknown.

Other Wildlife

Geese, ducks, ptarmigan and snowshoe hare constitute the majority of smaller game resources. Geese and ducks are hunted during their migration and hares and ptarmigan are heavily utilized by trappers and villagers whenever they are available.

Suggestions for the Improvement of the Game Potential

The economic potentials of big game at Ft. Good Hope/Colville Lake would be maximized by:

- (1) management programs for moose, barren-ground caribou, "mountain" (woodland) caribou and Dall sheep which would be designed to control and utilize these species on a sustained yield basis,
- (2) development of outpost camps for more efficient harvest, storage and handling of barren-ground caribou meat and skins,
- (3) development of a tannery and handicraft shop (see furbearers) for the more efficient processing and/or marketing of big game skins,
- (4) development of a facility for the storage and sale of surplus game meat to other members of the community,
- (5) development of one or more big game hunting camps or lodges for sport hunting of big game by tourists. These camps should also have facilities for storage and transport of game meat to the home community.

Table:

IMPUTED VALUE OF MEAT AND SKINS FROM GAME HARVEST REPORTED BY 66 of 101 GENERAL HUNTING LICENSES ISSUED IN 1972-73 AT FORT GOOD HOPE/COLVILLE LAKE.

Species	No. of Animals	Edible wts. in lbs/(1) animals	Total Edible Weight	Replacement Dollar Value per lb. (2)	Total Value of Meat	Replacement Value/Skin (3)	Total Value of Skins	TOTAL VALUE
Moose								
Bull	45	700	31,500	2.90	91,350.00	75.00	\$ 3,375.00	94,725.00
Cow	35	500	17,500	2.90	50,750.00	75.00	2,625.00	53,375.00
Calf	19	250	4,750	2.90	13,775.00	75.00	1,425.00	15,200.00
Caribou								
Barren-grnd.	312	80	24,960	2.90	72,384.00	35.00	10,920.00	83,304.00
Woodland	40	100	4,000	2.90	11,600.00	35.00	1,400.00	13,000.00
Black Bear								
Adult	22	150	3,300	2.90	9,570.00	55.00	1,210.00	10,780.00
Cubs	10	80	800	2.90	2,320.00	55.00	550.00	2,870.00
Birds								
Ptarmigan	411	.5	206	1.50	309.00			309.00
Goose	196	2.0	392	1.50	588.00			588.00
Ducks	1,265	1.5	1,898	1.50	2,847.00			2,847.00
Grouse	229	1.0	229	1.50	344.00			344.00
Total Value							\$277,342.00	

*Source: 1972-73 N.W.T. Game Division Records

(1) After Rushforth, 1976, except for Black Bear and Goose which are estimated edible weights.

(2) The 2.90 and 1.50 replacement values are based on the average cost of beef and chicken, respectively at the Hudson's Bay Company in Fort Good Hope, in April of 1976.

(3) Estimate average values for skins.

TABLE:10- APPROXIMATE EDIBLE WEIGHTS AND IMPUTED VALUES OF MOOSE AND CARIBOU TAKEN BY FORT GOOD HOPE PEOPLE BETWEEN SEPTEMBER, 1975 and MARCH, 1976.

Species	Edible Wts (1) in lbs/animal	#of animals taken	Total Edible Wt.	Replacement \$ (2) Value/lb	Approximate Dollar-Value
Moose:					
Bull	700	24	16,800	2.90	48,720
Cow	500	13	6,500	2.90	18,850
Calf	250	3	750	2.90	2,175
Caribou:					
Barren-ground	80	368	29,440	2.90	85,376
Woodland	100	6	600	2.90	1,740
		TOTALS	54,090 lbs		\$156,861.00

Source: Field Data

1. After Rushforth, 1976
2. The 2.90 replacement value is based on the average cost of beef in April, 1976, at the Hudson's Bay Company, in Fort Good Hope.

Forestry Resources

The timber resources of the lower Mackenzie basin are distributed unevenly along the Mackenzie River and tributary drainages.

In the Fort Good Hope area a fortuitous set of environmental circumstances has favored the development of local stands of merchantable timber, some of it large white spruce and white birch.

The predominant growing sites are the islands and floodplains where occasional floods have deposited silt and nutrients. Other favored sites are along the creeks that drain into the Mackenzie, and on better drained sites along the river. Smaller, isolated stands of merchantable timber grow throughout the Fort Good Hope region and black spruce trees of variable quality are abundant. Additional information on the location and area of specific white spruce stands was collected in April 1975 (Table 11). Volume has not yet been calculated for this timber.

It has recently been proposed that a Forest Reserve of approximately 1,700 sq miles be established in the vicinity of Fort Good Hope (Forest Management Institute, 1974). This would be advisable for several reasons. Recognizing the community potential for growth and the likelihood of increased demand for forest products, management measures should be undertaken to safeguard the local timber resource. Detailed inventories should be compiled, as

well as studies undertaken on natural growth rates and regeneration, and on possible restocking measures to extend the productivity of the area. An analysis should be made to determine the annual allowable harvest that can be maintained to permit sustained yield on an annual or cyclical basis without damaging the resource base, and appropriate forest practice guidelines established to minimize environmental damage to forestry and other resources. Ecological studies of burned over areas could be made in a controlled situation. Fire prevention and/or control measures are important to sustaining the local forests..

The forest resource, while substantial, is not extensive and must be managed carefully if it is to benefit the local economy. A high profit operation may not be feasible under the circumstances, but substantial value could accrue to the community of Fort Good Hope in the form of jobs furnished on a seasonal basis, needed products furnished at reasonable cost, and a contribution made to community stability. If, for silvacultural reasons, it becomes desirable to harvest timber in excess of local needs, the surplus might be sold outside the community.

In past years limited cutting and milling operations have been carried on at Fort Good Hope to supply local needs. At this time there is a small commercial mill and pile cutting operation north of Fort Good Hope at Little Chicago.

Further Suggestions for the Improvement of the Forest Industry

General recommendations for use and development are discussed under regional resources. Prerequisites to the development of an improved forest industry in communities such as Fort Good Hope are:

- (a) a comprehensive forest inventory and the development of a long range management and use program,
- (b) development of a local sawmill (with planer) and pole yard,
- (c) construction of lumber storage sheds and a woodcraft shop.

The following suggestions should be considered in the use of community forests following initial inventory, planning and development of facilities.

1. Lumber may be sawed and sold or used locally for buildings, docks, boats, etc. within the settlement.
2. Surplus lumber and pilings if any may be sold outside the community as markets develop.
3. Commercial use of community forest resources should emphasize manufacture and sale of the finished or partially finished product rather than the sale of raw lumber which is uneconomical to transport. In the Fort Good Hope community, there are some excellent stands of spruce suitable for construction of docks, buildings and boats and white birch which would be valuable for the manufacture of furniture on a commercial basis.

Table 11. Some spruce* timber stands in the Fort Good Hope Area

	<u>Map Location</u>	<u>Approx. Area** (Acres)</u>	<u>Status</u>
1.	66°-16'N 128°-40'W	940	Mature
2.	66°-08'N 129°-04'W	620	Mature
3.	66°-05'N 129°-08'W	620	Mature
4.	66°-17'N 128°-50'W	280	Mature
5.	66°-22'N 128°-40'W	300	Mature
6.	66°-23'N 128°-45'W	100	Mature
7.	66°-23'N 128°-55'W	100	Immature
8.	66°-27'N 128°-55'W	620	Mature
9.	66°-32'N 129°-05'W	100	Mature
10.	66°-42'N 129°-40'W	940	Mature
11.	66°-55'N 130°-10'W	3,100	Mature
12.	67°-20'N 130°-10'W	620	Unknown
13.	65°-50'N 128°-55'W	1,260	Mature
14.	65°-45'N 128°-46'W	620	Mature
15.	65°-38'N 128°-35'W	620	Mature
16.	65°-30'N 127°-45'W	1,700	Mature
17.	65°-27'N 127°-30'W	620	Mature
		<hr/> 13,160	Total

* Primarily white spruce on islands and faoreshore of river,
black spruce is more common on inshore areas.

** Map Area

Source: Field Data

HUMAN RESOURCES AND ROLES IN RENEWABLE RESOURCE DEVELOPMENT

The development of a renewable resource based economy as proposed by Dene people, will require the active participation of a majority of the native people of any particular community or region.

Under renewable resource development the traditional roles of resource harvester and consumer will no longer be the major roles fulfilled by native people. The development of renewable resources will require Dene people to participate as administrators, professional and technical resource managers, supporting clerical and technical staff and even as owners and managers of resource based enterprises.

Among many whites such a statement raises the question of Dene capability to assume such roles, to which one can only reply on the basis of one's personal experience, from documented evidence or from an examination of the Dene population which would be involved.

In the first instance, the senior author has worked with professional native trappers in the development and implementation of wildlife management projects and programs; employed many native born guides and assistants for tourist hunting camp operations and several others as technical assistants for environmental studies

associated with the proposed pipeline. He has also witnessed the graduation of and subsequent employment of several native born resource technicians, and last but not least has worked with several native born government personnel. With rare exceptions these experiences with native people have been positive and productive.

In the second instance, active and responsible roles of native people in resource and business roles as owners and operators of fish, fur, timber and other co-operatives have been well documented (see References to co-operatives).

The outcome of these resource activities and enterprises has varied from failure to highly successful with results often dependent on the type, degree of experience, and education and training of the participants or on amount of paternalistic interference on the part of government officialdom. Sometimes the latter has been beneficial and usually when the paternalistic role was one of educator or instructor or allowed the development of individual and/or group responsibility.

In the third case, the writers have examined many of the socio-economically oriented publications presented to the Inquiry concerning the Indian people and renewable resources of the region and conducted a more detailed analysis of the Fort Good Hope/Colville Lake community.

The regional Dene resource has been analyzed and described at length in socio-economic publications such as those of Gemini North (1974) and will not be described again. Suffice it to say that the Dene of the region includes many resource harvesters in adult and sub-adult categories, and resource users of all ages. It also includes adults and sub-adults who are totally or partially involved in the wage economy. And last, but not least, it includes hundreds of dependent children, who in 5 to 15 years will enter one of the adult classifications described above.

The brief examination of the people of the Fort Good Hope/Colville Lake community more clearly describes the human resource as it relates to the present study. All of the Dene of the region are represented in the population of the Fort Good Hope/Coleville Lake community (Table 12), many of whom will continue to participate in the development of the community and in the harvest and use of the resources upon which the community depends.

The economic development and management of the renewable resources of the region and of each community also will involve people with varying degrees of administrative, professional and technical skill. These skills in turn require varying levels of formal education. Until the late 1950's the lack of formal basic education prevented most native people from entering any of the resource fields in administrative or professional roles. This is not the case today.

The Dene resource base includes many, possibly hundreds, of young adults who are intellectually and educationally capable of assuming administrative and technical roles in the renewable resource management field. In Fort Good Hope, for example, there are more than 30 young men and women who have educational qualifications equal to, if not above, those non-Dene who now fill many of the resource management positions in the Government of the Northwest Territories (Table 13).

With on-the-job training and/or formal courses at the technical⁽¹⁾ or professional level, these people would be capable of filling senior administrative or technical positions within the region or community. Training courses would vary from short courses interspersed with on-the-job training or practical experience periods, to two year courses at technical schools⁽²⁾, to three or four year university courses, depending on the basic educational qualifications.

One problem that exists today throughout much of North America is the lack of public education in environmental knowledge and control, and in the management and wise use of renewable resources.

(1) Kelsey Institute in Saskatoon, Sask., for example, provides a two year Renewable Resources Technology course which is open to men and women with Grade 12 education or approximately Grade 10 and related experience with special entrance opportunities for native people. This course emphasizes field training and experience and credits fieldwork and projects between course phases. Many of the graduates of this school fill government positions throughout the N.W.T.

(2) See N. Simmons' report to Inquiry³, March, 1976.

This is also a problem that must be considered by the Dene community. In order to develop a resource oriented population, formal and practical education should begin in elementary and high schools with credit courses in natural history, ecology, resource management and administration. Practical education should also be part of school curriculum with field instruction provided by adult trappers, hunters, and other foresters. In other words, a few weeks in the field each year should be a part of the education of each child and credit should be given for it.

By the "educational" means described above and by means of the entire community working within a framework of direct control as provided by the land claims settlement, the conservation and productive long term use of resources is assured.

Employment Opportunities

Viable programs of resource development and management for and by Dene people would require much larger staffs than exist under the present administration, particularly in the individual communities which are presently understaffed. In Fort Good Hope, for example, the present resources staff consists of one area game officer and at no time has there ever been more than two. The present officer is overloaded with paperwork and although he is active and energetic, cannot carry out all of the duties or responsibilities of his position. Similar conditions exist in almost every community throughout the basin.

Detailed and frequent inventory and analyses of the specific resources and the direction, communication and community planning, and the supervision and disposal of resource harvests in any large community such as this would require the services of several more staff of various training and educational levels. Thus, many employment opportunities exist in the resource field (Table 14). The full development and management of renewable resources in the Fort Good Hope/Colville Lake community would eventually require most of the personnel suggested with most of the administrative, professional and technical positions occupied on a full-time basis.

Resource harvesting for both domestic and commercial use will also provide many opportunities for meaningful and profitable

employment on a full or part-time basis. (A few of these are listed in Table 14.)

As can be clearly seen by Table 15 the wage distribution between the Dene and non-Dene is highly unbalanced at the present time. It is of great importance to the social viability of northern communities that the economy develop in such a way that all residents can participate fully in the wage economy. All the necessary components for developing a perpetual and more equitable system lie in the resource-based economy.

TABLE: 12

TOTAL POPULATION AND DENE AGE DISTRIBUTION IN THE FORT GOOD HOPE/COLVILLE LAKE COMMUNITY
APRIL, 1976

<u>SETTLEMENT</u>	<u>TOTAL DENE</u>	<u>AGE DISTRIBUTION</u>					<u>NON DENE</u>	<u>TOTAL</u>
		<u>0-9</u>	<u>10-19</u>	<u>20-34</u>	<u>35-49</u>	<u>50-64</u>	<u>65+</u>	
FORT GOOD HOPE	462)							
)							
)	180	114	101	70	27	35	39
COLVILLE LAKE	65)							
)							
)							
TOTAL	527							2
								67

Source: Field Data

TABLE: 13

FORMAL EDUCATION LEVEL OF 272 FORT GOOD HOPE/COLVILLE LAKE DENE
AS OF APRIL, 1976

AGE GROUP	ELEMENTARY	SECONDARY		POST SECONDARY	SAMPLE NO. ⁽¹⁾
	GR. 1-6	GR.7-9	GR.10-12	UNIV./OTHER	
30 & over	5	12	4		21
25 - 29	1	3	15	1	20
20 - 24	4	14	21	1	40
15 - 19	7	23	3		33
6 - 14	135	23			
TOTALS	152	75	43	2	272

(1) The Sample No. does not include all persons within that particular category. (For example, there are many more people over 30, who have an elementary level of formal education).

NOTES:

- (A) 38 of the total Sample no. of 292 are presently employed at Fort Good Hope, Colville Lake or other areas.
- (B) 36 of the total Sample no. of 292 have attended or are attending training institutes, (in the N.W.T. or outside), in addition to their formal education level.

Table 14 Some potential employment opportunities in renewable resource development and management in a typical Mackenzie region community

<u>Permanent Employment</u>				
<u>Resource Area</u>	<u>Administration</u>	<u>Professional</u>	<u>Technical</u>	<u>Support Staff</u>
General Admin.	Area Supervisor-1	Resource Mgt.		Secretary-1
	Asst. Supervisor-1	Consultant-1		Mechanic-2
	O/I/C Stores & Equipment			
Wildlife	Area Game Officer-1	Wildlife Biologist-1	Wildlife Technician-1	Secretary-1 Technical Asst.-2
Fisheries	Area Fisheries Officer-1	Fisheries Biologist-1	Fisheries Technician-1	Secretary-1 Technical Asst.-2
Forestry	Area Forestry Officer-1 Fire Control Supervisor-1		Forestry Technician-1	Secretary-1 Technical Asst.-2

<u>Other Employment</u>		
<u>Resource Harvesting (Seasonal)</u>	<u>Storage and Marketing</u>	<u>Handicrafts</u>
Community organized --	Individual or group operated facilities and marketing outlets	Clothing Leather Products Canoes Snowshoes Boat Building, etc.
Caribou Hunting		
Fishing -- community		
Fishing -- commercial		
Lumbering and Sawmill operation		

PRESENT EMPLOYMENT CONDITIONS IN FORT GOOD HOPE SETTLEMENT, APRIL, 1976

PERMANENT EMPLOYMENT

A. <u>GOVERNMENT OF THE N.W.T.</u>	Non-Dene	Dene
1. <u>Settlement Administration</u> Settlement Secretary Social Development Officer Employment Officer	1	1 1 1
2. <u>Housing Associations</u> -Maintenance -Secretary		1 1
3. <u>Dept. of Public Works</u>		
Maintenance Maintenance Assistant	1	1
4. <u>Education</u>		
School Principal School Teachers Ass't School Custodian School Hostel Super. School Hostel Maid School Teachers	1 4	1 1 1 1 1
5. <u>Fish & Wildlife</u>		
Area Game Officer		1
6. <u>Other N.W.T. Gov't</u>		
Garbage and Sewage Cont. Fuel Oil Delivery		1 1

B. FEDERAL GOVERNMENT

1. <u>Ministry of Transport</u>		
Aeradio Operators	2	
2. <u>Dept. of Health</u>		
Registered Nurses Secretary Community Health Worker Hospital Maid Hospital Custodian	2 1	1 1 1
3. <u>TRC.M.P.</u>	2	
4. <u>Postal Service</u>	1	
5. <u>N.C.P.C.</u>		
Power House Operator	1	

STATION 1000000

OTHER EMPLOYMENTNon-DeneDene1. Arctic Circle Enterprises

Contractor

1

Employees

3

2. Hudson's Bay Co.

Store Manager

1

Clerks

2

Casuals

4

3. Indian Brotherhood of NWT

Fieldworker

1

TOTALS 2321

TABLE: 16

Cash income from various sources in Fort Good Hope/Colville Lake in 1974/75

<u>INCOME TYPE</u>	<u>DENE</u>	<u>NON-DENE</u>	<u>TOTAL</u>
Wage Employment	203,500.00 ⁽¹⁾	313,430.00	516,930.00
Old-Age Assistance	99,311.02	230.42	99,541.44
Family Allowance	73,923.84	4,239.36	78,163.20
Fur Sale Value	34,923.43 ⁽²⁾		34,923.43
Social Assistance	30,256.00		30,256.00
Band Core Fund	23,693.60		23,693.60
Fur Incentive Grant	3,520.21 ⁽³⁾		3,520.21
TOTALS	469,128.10	317,899.78	787,027.88

(1) Does not include wage employment at Colville Lake or dividends paid by Kapami Co-op.

(2) Does not include Colville Lake raw fur sale or resale by Kapami Co-op.

(3) Does not include fur incentive grants paid to Colville Lake.

Sources and Estimates..

- (A) Wage Employment is based on 43 full and part time wage earners in Fort Good Hope who earn between 2,300/yr. and 18,500/yr. It does not include wages earned by labour in seismic, DPW or Norman Wells.
- (B) Old Age Assistance: Based on 36 old age pensioners in Colville Lake/Ft. Good Hope @ 230.42/mo./year.
- (C) Family Allowances: Based on 295 children under the age of 16 in Fort Good Hope/Colville Lake @ 22.08/mo./year.
- (D) Fur Sale Value: Based on individual trapping, record summary, Government of the N.W.T.

- (E) Social Assistance: Based on 1972/73 figure from Gemini North, May, 1974 from Dept. of Social Development, Government of the N.W.T. monthly welfare record data.
- (F) Band Core Fund: Office of the Regional Representative, Indian Affairs and Northern Development, Yellowknife, N.W.T. 1974/75.
- (G) Fur Incentive Grant: Based on individual trapping, record summary, Game Management, Government of the N.W.T. - first payment made in 1975 based on 1973/74 catches. Grant is calculated as 15% of total income between 300.00 and 2,000.00 to a maximum payment of \$300. Trappers who sold less than \$300.00 worth of fur are ineligible.

CRITERIA AND GUIDELINES FOR ECONOMIC
DEVELOPMENT AND USE OF RENEWABLE RESOURCES

Criteria

1. The development of a viable, renewable resource based economy by and for the Dene people of the Mackenzie River region presupposes a satisfactory land claims settlement prior to construction of a pipeline. To accomplish this objective the following requirements must be met:

- (a) the right of native people to control the land and its renewable resources,
- (b) the right to a degree of control over the extraction and transport (i.e. the pipeline) of non-renewable resources sufficient to limit environmental (and renewable resource) damage to levels acceptable to native people (i.e. the right to see that environmental safeguards are implemented),
- (c) the right to claim financial support from non-renewable resource development which will be applied directly to the development of the renewable resource economy,
- (d) the right to administrative control of renewable resource development and use by and for native people, and
- (e) the right to an *interim protection period* of 5 to 10 years which will provide protection of economically

valuable components of the renewable resource base until the administrative framework, resource evaluation and resource use planning can be completed.

2. Development and use of resources would be within a non-paternalistic administrative framework in which the needs and aspirations of the community, the family group or the individual could be fulfilled as they arise or change with the passage of time.

3. The development program(s) would be community-oriented to avoid inappropriate regional policies, which cause conflicts between cultural groups and communities or degradation of the resource base of other communities. (This is not to say that communities cannot work together towards common goals.)

4. The planning and implementation would totally involve the native community as administrators, technicians, advisory groups and resource users -- in short any expanded or new development should be approved by consensus.

5. The planning and implementation of renewable resource development programs will direct itself to the use, development and management of forest, fish and wildlife resources in perpetuity. (All community or regional resource management/use plans would be integrated or multiple resource use plans to avoid conflicts between related resources (e.g. timber and wildlife) or degradation of the resource.

Guidelines

The successful development of a viable renewable resource-based economy without serious disruption of cultural values and Dene lifestyles will require a great deal of careful planning from the outset. It is suggested that planning and implementation be organized in consecutive phases as outlined below. Some aspects of each phase may be accomplished concurrently.

Phase I -- Pre-planning (see Interim Protection period)

1. Establishment of safeguards against disruption of the community or the renewable resource base by external interest.
2. Preliminary identification inventory and evaluation of the renewable and human resources of the community and the region.
3. Identifications and establishment of short and long-term goals and priorities for resource development based on the preliminary assessment described above.
4. Development of a preliminary prioritized plan of resource development and use for each community.
5. Development of a preliminary framework of community administration within which various phases of development can be implemented or modifications may take place.

6. Development and/or organization of training facilities or programs for training of administrators or specialists in various fields of resource management, marketing, etc.

7. Continue present levels of resource use until inventory, analyses and initial resource use planning are complete.

Phase II -- Planning and Preliminary Implementation

1. Expand or modify regional and community administrative framework as required.

2. Conduct detailed inventory and analysis of prioritized components of the resource base. (Economic use, protection, and management of any renewable resource, particularly wildlife or fish, requires continuous up-dating of information concerning population status, harvest limits, habitat alteration, etc., in order to avoid over-exploitation of the resource. In most cases the present data base is totally inadequate for effective resource management.)

3. Develop long-range management plans for resources of the community and the region.

4. Implement prioritized management plans where feasible.

5. Implement training programs for those selected for training in administration, direction and application of resource management

and development programs. On the job training within the community should be emphasized. Such training may be interspersed with special courses.

6. Develop facilities for management, harvesting and marketing of resources.

7. Investigate and identify techniques, technologies, marketing systems, etc., which will maximize benefits of domestic and commercial use of resources.

Phase III

1. Implementation of prioritized resource management and development programs.

2. Investigation, analyses and evaluation of other components of the resource base.

3. Continue and/or modify items 4, 5, and 6 of Phase II.

Summary and Conclusions

Although renewable resources (fish, wildlife and forests) have maintained the people of the Mackenzie basin for countless years, their true values have seldom been recognized. Each part of the subsistence base has been dealt with piecemeal, without consideration of how it might be related to the whole. Management, when applied, reflected this division and allowed a compartmentalized and often conflicting resource policy to develop (i.e. forests managed independently of the game animals, furbearers separately from habitat, fisheries not related to land use practices that permit siltation). Actually all these resources are closely related and affect each other strongly. When seen as the summation of many parts of an immense life support system, the renewable resource complex is truly impressive.

Errors in perspective originate in two ways. First, the prevalence of a single use point of view in North America -- all resources have traditionally been isolated and developed individually whether they are renewable or non-renewable.

Secondly, resources are valued only when converted to a cash value that may be realized by the "developer" (entrepreneur) or manager. These attitudes must be adjusted before alternative resource management policies can be developed.

Native people have always had a clear understanding of the importance of all the natural resources available to them. Many ways of deriving support from the environment have been developed, founded on the value of maintaining the unimpaired productivity of the land and the stability of their way of life. Recent times have brought disruptions in the form of industrialization and modern wage economy, and a new emphasis on non-renewable resource exploitation. The residents of the Mackenzie valley and all northern people are still recovering from the impact of these sudden changes.

At this time it is essential to bring forth new ways to manage the renewable resources in order to maintain and/or increase production on a long term sustained yield basis to enrich the life of the people and to maintain or enhance the social stability of the communities.

In the present study the authors have recognized both the traditional (native) and modern evaluation of renewable resources and have presented the guidelines by which traditional values may be maintained in the profitable development and use of the resource base. For convenience, however, each component of the resource has been examined as a separate entity.

The fisheries resource of the Mackenzie region, although imperfectly evaluated at this point in time, holds promise of becoming a

major economic asset. The lakes and rivers of the Mackenzie basin contain a variety of valuable fish species which have long been utilized by native people as a primary (domestic) food source. Under the alternative development program, as proposed, the domestic (traditional) resource would be maintained or enhanced, while surpluses would be applied to the development of community and regional revenue. In order that all of the future demands on the fisheries be met, the resource must be safeguarded from pollution and other environmental damage such as over-fishing and hazards such as large dams and other river uses which destroy or damage spawning areas or block migration between critical seasonal habitats.

The wildlife resources in the Mackenzie basin include furbearers, game animals, waterfowl and game birds which have consistently supplied food and clothing to native people until the present time. Income from furbearers has been especially important and many people rely on trapping as a source of income. Under the proposed development plan, the economic value of furbearers would be improved by increased production and more profitable systems of marketing and use.

Large game animals such as caribou, moose and bison are still important sources of food and hides for clothing and the handicraft industry. In future the "surpluses" of these

resources may be developed as a marketable food source and as an adjunct to the tourist industry. Barren-ground small game animals and the carcasses of furbearers such as muskrats and beaver are also important food sources.

Waterfowl and upland game birds are utilized wherever they occur but their potential for economic purposes is low.

All of the wildlife resources also require safeguards from population decimation and habitat loss through industrial development.

Forests in the southern end of the Mackenzie basin have sizeable stocks of harvestable trees which may form the basis for a long range logging industry. However, the stands of commercially useable timber become more scattered and generally smaller towards the north. Although the timber itself is often of good quality, the scarcity of good growing sites, cost of logging operations, slow growth rates and the difficulty of avoiding severe environmental damage ensures that the northern Mackenzie basin could support only small localized timber harvesting operations.

The long range management and use of these resources on both a profitable and environmentally safe basis must limit use, in northern areas at least, to community or domestic use. The timber industry would be enhanced by production of the manufactured

articles within the community rather than the sale of raw lumber. Improved forest technologies also make better use of northern forest products than the traditional lumber industry.

Future management of northern forests must also consider the values of forest management as wildlife habitat and in the protection of watersheds.

The development of an economically viable renewable resource program will require the participation of many Dene in administrative, professional and technical roles. Dene communities now include all of the basic human resources for autonomous government of the community and development of the resource-based economy.

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Indian Brotherhood of the Northwest Territories
Metis Association of the Northwest Territories

"Aboriginal Title: A Legal Perspective"

Summary of Evidence of

DOUGLAS E. SANDERS

before the

MACKENZIE VALLEY PIPELINE INQUIRY

YELLOWKNIFE, N.W.T.

April, 1976

OUTLINE OF TESTIMONY

The purpose of this testimony is to consider the question of the relationship of non-traditional land use projects to aboriginal title claims. Initially, I will examine the question of the legal roots of the concept of aboriginal title in English colonial law and practice. That will be done in order to ascertain whether the legal traditions give any particular guidance as to how aboriginal title claims can or should be resolved. In this larger context, I will examine the historical Canadian experience and the present situation in the Northwest Territories.

I. ENGLISH LAW ON THE ACQUISITION OF NEW TERRITORIES

Through colonial practice and a series of judicial decisions, a general legal framework for the acquisition of new territories was developed by English law. The practical question normally involved in the judicial decisions was the degree to which existing legal systems in the newly acquired territories survived the acquisition of sovereignty by England or, the converse issue, the degree to which English law now applied in the area. The cases were not concerned with international law (that is the relations between the colonial nations of Europe) but with

the internal law in force in particular colonial areas. The general legal framework received its classic statement in Blackstone's Commentaries on the Laws of England in 1765:

Plantations or colonies, in distinct countries, are either such where the lands are claimed by right of occupancy only, by finding them desert and uncultivated, and peopling them from the mother-country; or where, when already cultivated, they have been either gained by conquest, or ceded to us by treaties. And both these rights are founded upon the law of nature, or at least upon that of nations. But there is a difference between these two species of colonies, with respect to the laws by which they are bound. For it hath been held, that if an uninhabited country be discovered and planted by English subjects, all the English laws then in being, which are the birthright of every subject, are immediately there in force. But this must be understood with very many and very great restrictions. Such colonists carry with them only so much of the English law, as is applicable to their own situation and the condition of an infant colony... But conquered or ceded countries, that have already laws of their own, the King may indeed alter and change those laws; but, till he does actually change them, the ancient laws of the country remain, unless such are against the law of God as in the case of an infidel country.

The cases which deal with these general questions are:

Calvins Case, (1608) 77 E.R. 387.

Blankard v Galdy, (1693) 91 E.R. 356.

Anonymous, (1722) 24 E.R. 646.

Omichund v Barker, (1744) 125 E.R. 1310.

Penn v Lord Baltimore, (1750) 27 E.R. 1132.

Campbell v Hall, (1774) 98 E.R. 848.

Freeman v Fairlie, (1828) 18 E.R. 117.

Mayor of Lyons v East Indian Company, (1837) 12 E.R. 782.

Advocate General of Bengal v Ranee Suromoye Dossee, (1863) 19 E.R. 786.

Cooper v Stuart, (1889) 14 A.C. 286.

West Rand Central Gold Mining Company v The King, (1905)
2 K.B. 391.

In Re Southern Rhodesia, (1919) A.C. 211.

Amodu Tijani v Secretary, Southern Nigeria, (1921) 2 A.C. 399.

Oyekan v Adele, (1957) 2 All. E. R. 785.

Milirrpum v Nabalco, (1971) 17 F. L. R. 141 (Australia).

Non-judicial materials on these general questions are:

Blackstone, Commentaries on the Laws of England, 1765.

Chalmers, Political Annals, 1780.

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While the acquisition of new territories has roots in international activity, the question of the relationship between the colonial sovereign and the newly acquired territory and its peoples has, traditionally, been seen as a domestic question:

Island of Palmas case, (1828) 2 U.N. Reports of International Arbitral Awards, 629.

Cayuga Indians Claim, (1926) 6 U. N. Reports of International Arbitral Awards, 173.

Rex v Syliboy, (1929) 1 D.L.R. 307.

L. C. Green, Canada's Indians: Federal Policy, International and Constitutional Law, (1970) 4 Ottawa Law Review, 101.

English law defined North America as having been acquired (vis-a-vis the native population) by peaceful settlement, that is by "settlement" or "occupation" as opposed to "conquest" or "cession". The term "cession" in this context refers to a cession of sovereignty (such as in the Treaty of Waitangi in New Zealand in 1840 or in the cession of Fiji) not to documents such as the Canadian Indian treaties which are referred to as land cession treaties. Acquisition of new territories by settlement and occupation presumed that the lands were uninhabited. In the words of Blackstone, lands acquired in this manner must be "desert and uncultivated". Chalmers described North America as "waste because it was uncultivated" and a "desert territory". In Freeman v Fairlie, it was stated that lands could be taken by settlement or occupation if they lacked "any existing civil institutions and laws". Sir. George Cornewall Lewis described North America as an area in which the aboriginal inhabitants

had been "expelled or exterminated". The 1858 imperial legislation which established the Colony of British Columbia described the mainland of what is now British Columbia as "wild and unoccupied" (though on two occasions earlier in the 19th century, imperial legislation had described it as being part of the "Indian territories"). In 1889 the Judicial Committee of the Privy Council described New South Wales as having been "practically unoccupied, without settled inhabitants or settled law." (Cooper v Stuart). Jenkyns suggested that settlement and occupation was only possible where there was no "civilized society with civil institutions or laws" and where there was nothing "which could be called a lex loci." In 1971, in *Milirrpum v Nabalco*, Mr. Justice Blackburn ruled that Australia had been an unoccupied territory at the time of its acquisition by England. He was careful to point out that the conclusion was one of law not of fact. Factually, he conceded, it was untrue.

Conclusion:

English law on the acquisition of new territories provided that England could acquire an uninhabited area and that English law, to the degree applicable to the circumstances of the area, would apply. The text writers extended this principle to areas with scattered populations and no civil institutions. England did not claim to acquire the territories now forming Canada from the native tribes by conquest or cession. If Canada had been acquired from the native tribes by conquest or cession, existing native law would have continued in operation until altered by the colonial sovereign. This would, of course, have meant that Indian aboriginal rights would have been fully recognized. English writers asserted that Canada had been acquired by settlement or occupation. This

involved two factually erroneous assumptions: (a) that Canada was unoccupied, and (b) that any occupants lacked civil institutions or systems of law. Current understandings of Indian customary law and social organization make such assertions indefensible. The testimony of Dr. June Helm and Professor Beryl Gillespie in In Re Paulette are relevant on that question in relation to the Indian tribes of the Northwest Territories.

II. A COMMON LAW OF NATIVE RIGHTS BASED ON IMPERIAL PRACTICE.

England developed certain distinct practices in response to the situation in North America. These practices did not relate directly or indirectly to the rules concerning the acquisition of new territories. They dealt with indigenous property rights within a jurisdiction generally treated as having been acquired by occupation and settlement.

The development of what I have termed "a common law of native rights" was slow. Jurisdiction over native questions was originally completely decentralized. It was centralized by the imperial government in the years leading up to the Royal Proclamation of 1763. The major events were the Albany Congress of 1754, the administrative centralization of Indian Affairs and the military in 1755, the creation of the two Indian superintendencies in 1756, the instructions to colonial governors in 1761, the Belcher Proclamation of 1762 and the Royal Proclamation of 1763. The centralization meant, for the first time, a uniform English approach to Indian questions, one which recognized aboriginal land rights.

Komar, The Royal Proclamation of 1763, Indian Claims Commission, Ottawa, 1971.

Dickerson, American Colonial Government 1696-1765, New York, Russell and Russell, 1962.

Alvord, The Genesis of the Proclamation of 1763, Michigan Pioneer and Historical Society, Historical Collections, V. 36, 1908, 20.

Sosin, Whitehall and the Wilderness: The Middle West in British Colonial Policy, 1760-1775, Lincoln, University of Nebraska Press, 1961.

In the manner of the early common law, particular patterns of practice were established in response to the realities of the situation. Practice became supplimented by formal political and legal decisions. Judicial decisions further supplimented the general legal framework. The origins of the final doctrines cannot be attributed exclusively to British Law on the acquisition of new territories, to specific documents such as the Royal Proclamation of 1763 or to doctrines such as prescription or adverse possession. In the manner of the common law, the evolved principles were rooted in experience and formed part of the general body of the law. They are prospective, for as general principles of law, they apply to subsequent events and areas subsequently brought within the same legal and political regime. The existing case law is limited and, as in any imperfectly developed area of the law, vague and ambiguous on certain points. On no occasion have the courts gone against prevailing historical practices in any national jurisdiction.

Counsels Opinion, 1675, in Vol. XIII, Documents Relating to The Colonial History of the State of New York, p. 486, reprinted in Chancellor Boyd's Judgment in the St. Catherine's Milling Case, (1885) 10 O.R. 196 at 207.

Articles of Capitulation of Montreal, 1760.

Royal Proclamation of 1763,

The Northwest Ordinance, 1787 (United States).

Chalmers, Opinions of Eminent Lawyers, 1814.

Johnson v McIntosh, (1823) 8 Wheat. 543, 21 U.S. 240.

Cherokee Nation v Georgia, (1831) 30 U.S. 1.

Worcester v Georgia, (1832) 31 U.S. 515.

St. Catherines Milling v The Queen, (1889) 14 A.C. 46.

Ole Njogo v Attorney General of the East African Protectorate,
(1914) 5 East Africa Protectorate Reports, 70.

In Re Southern Rhodesia, (1919) A.C. 211.

Amodu Tijani v Secretary, Southern Rhodesia, (1921) 2 A.C. 399.

Milirrpum v Nabalco, (1971) 17 F.L.R. 141.

Calder v Attorney General of British Columbia, (1973) S.C.R. 313.

In Re Paulette, (1973) 6 W.W.R. 97 (N.W.T. S.C.)

Kanatawat v James Bay Corporation, November, 1973, unreported.

Lysyk, The Indian Title Question in Canada: An Appraisal
in the Light of Calder, (1973) 51 Canadian Bar Review, 450.

Sanders, Canadian Courts and the Concept of Indian Title,
Proceedings of the First Congress, Canadian Ethnology
Society, Canadian Ethnology Service Paper no. 17,
National Museum of Man, Mercury Series, Ottawa, 1974,
p. 4.

Upendra Baxi, The Lost Dreamtime: Now Forever Lost - a Critique
of the Gove Land Rights Decision, Australasian Universities
Law Schools Association, Hobart, Tasmania, 1972 (available
from the Indian Claims Commission).

John Hookey, Milirrpum and the Maoris, Australasian Universities
Law Schools Association, Hobart, Tasmania, 1972 (available
from the Indian Claims Commission).

Aboriginal Land Rights Commission, Second Report, April, 1974,
Australian Government Publishing Service, Canberra.

Blackshield, The Aboriginal Land Rights Case, four articles,
c1971, published reference unavailable.

III. FORMS OF RESOLUTION OF ABORIGINAL TITLE CLAIMS

The basic principles of English colonial law which developed in North America in the late 18th century can be summed up in two statements. Native ownership of land was to be recognized. The process of creating non-native interests in native land should be subject to certain protective controls. These principles were applied subsequently in various parts of the world. Their application took two basic forms: (1) land cession treaties (or other large scale terminations of native interests) and the creation of reserves, native allotments or other forms of land ownership or land use rights, and (2) systems of recognition and conversion of native title. We are familiar with the first basic form, for it is seen in North America as the norm. We are unfamiliar with the second basic form, for it has occurred elsewhere - notably in New Zealand, Oceania and Africa. Although New Zealand has often been cited as a model which Canada might wish to follow, Canadian literature on native questions has never included a description of the land rights system in New Zealand.

(1) Land cession treaties:

The Royal Proclamation simply provided that Indian lands should be purchased in a public meeting to be held for that purpose by the Governor or Commander-in-Chief of the colony within which the lands were situated. It dealt with the method of sale, but not the timing, area, the Indian land holding units or with the nature or extent of rights that Indians might retain after any treaty. Following the Proclamation there were a series of treaties and surrenders in what is

now southern Ontario. Many of these dealt with small populations of Indians and relatively limited areas of land. The pattern there - and the pattern in the early 1850's in the Colony of Vancouver's Island - was to recognize local Indian land holding units and to negotiate with them for their holdings. A significant fact in the history of Indian treaties in Canada is a dramatic alteration of geographical scale. After 1870, the federal government began its treaty making process in what had been Rupert's Land and the Northwestern Territory. The first treaties were on a dramatically larger scale than those that had blanketed southern Ontario in the years between 1763 and 1867. But the geographical scale of Treaties 1, 2 and 3 (1871 and 1873) were immediately dwarfed by the next immediate series; Treaties 5 to 7 (1875-1877). There is a twenty-two year gap between Treaty 7 in 1877 and Treaty 8 in 1899. It seems significant that three of the final Treaties - 8, 9 and 11 - are clearly the largest in Canada and vastly larger than any treaties negotiated in the United States or Africa.

Indian Treaties and Surrenders, 3 Volumes, Queen's Printer,
Ottawa, 1891 and 1912 (reprinted, Coles Canadiana Collection).

Morris, The Treaties of Canada with the Indians of Manitoba
and the North-West Territories, Toronto, 1880
(reprinted, Coles Canadiana Collection).

Papers Connected with the Indian Land Question, 1850-75,
British Columbia, Lands and Works Department, Victoria, 1875.

Wilson Duff, The Fort Victoria Treaties, 1969, B.C. Studies,
No. 3, p. 3.

Clearly the Treaty process changed dramatically from that followed in southern Ontario and on Vancouver Island. It is relevant to ask why this shift took place. Did it represent the logic of colonial legal theory? Did it reflect different patterns of Indian land ownership

in the areas in which the treaty process was being extended? Did it reflect other factors? It is suggested that it reflected the increasingly confident and centralized legal and governmental structure created in Canada by the colonial process and the increased political weakness of the Indian tribes. The prairie treaties were negotiated in periods of near desperation for the prairie tribes. With the traditional economic order obviously disintegrating from forces beyond the control of the tribes, the Indian leadership had little choice but to accept the offers of the government to treat the Indians as "children" subject to the benevolence of the "great white mother". The Indian treaties of the "fertile belt" can only be understood in the context of the crisis which the prairie tribes were experiencing in the period. Their political bargaining position had largely been destroyed. In the negotiations they asked, among other things, for relief in times of famine, for that was what was facing them.

(2) Systems of recognition and conversion of native title:

Systems of recognition and conversion can be described in the following way. The legal system recognizes native land holding rights as established by native customary law. The process of creating non-native interests in native land requires a formalization of the native title and a conversion of the native title (which by customary law would not be transferable outside a localized native group) into a transferable European style title. Some institution is necessary to ascertain the native owners and to create the European style title. The institution, typically, will also examine the proposed transaction which will create the non-native interests in the land to determine whether it is fair and

reasonable. Since the process of determining native owners of particular lands involves understanding customary law, the institution created to handle the process must include native people or, at least, have native "assessors" attached to the institution in some manner.

Recognition and conversion systems are not limited to territories acquired by conquest or cession, as is shown in the case of Papua. Such systems are described in the following materials:

New Zealand

Norman Smith, Maori Land Law, A.H. & A.W. Reed, Wellington, New Zealand, 1960.

J. K. Hunn, Report on Department of Maori Affairs, Government Printer, Wellington, 1960.

Ivor Pritchard, Hemi Tono Waetford, Report of the Committee of Inquiry into the Laws Affecting Maori Land and the Jurisdiction and Powers of the Maori Land Court, Government Printer, Wellington, 1965.

Alan Ward, A Show of Justice, Australian National University Press, Canberra, 1971.

R. H. Tristram, Observations on the Historical Origins and Contemporary Significance of Legislation Relating to Maori Land, in McKean (ed), Essays on Race Relations and the Law in New Zealand, Sweet and Maxwell (N.Z.), Wellington, 1971.

James Gosselin, J. Jameson Bond, The Development of Maori-European Relations: A Socio-Political Consideration, A Report prepared for the Advisory Commission on the Development of Government in the Northwest Territories, 1966.

M. P. K. Sorrenson, The Politics of Land, in Pocock (ed), The Maori and New Zealand Politics, Blackwood and Janet Paul Ltd., Auckland and Hamilton, 1965.

John Holmes, The Maori Land Tenure, Honours LL.B. Dissertation, University of Auckland, 1971, unpublished.

Government White Paper on Proposed Amendments to the Maori Affairs Act 1953, The Maori Affairs Amendment Act 1967, and other related Acts, Government of New Zealand, 1973.

Papua New Guinea

Ian Hogbin, Peter Lawrence, Studies in New Guinea Land, Sydney University Press, 1967.

Peter G. Sack, Land Between Two Laws, Australian National University Press, 1973.

W. A. Lalor, Land Law and Registration, in Brown (ed) The Fashion of Law in New Guinea, Butterworths (Australia) 1969.

Land Tenure and Economic Development: Problems and Policies in Papua-New Guinea and Kenya, New Guinea Research Bulletin, No. 40, New Guinea Research Unit, Australian National University, Canberra, 1971.

Oceania

Ron Crocombe, Land Tenure in the Pacific, Oxford University Press, Melbourne, 1971.

Ron Crocombe, Land Tenure in the Cook Islands, Oxford University Press, Melbourne, published in association with the Australian National University, 1964.

Peter France, The Charter of the Land, Custom and Colonization in Fiji, Oxford University Press, Melbourne, 1969.

Africa

R. W. James, Land Tenure and Policy in Tanzania, University of Toronto Press, 1971.

Note: There are a number of specific legal studies of African land law which focus on particular tribal groups. They are essentially repetitive of (a) particular customary land law systems, and (b) the local recognition and conversion system.

General

C. K. Meek, Land Law and Custom in the Colonies, Frank Cass and Company, London, 1946.

Systems of recognition and conversion are well established in a great number of countries which derive their modern legal systems from England. Certain problems have occurred in these systems (a) because of undue pressure on native groups to sell land, and (b) because of distortions in the customary system brought about by possibly premature European style formalization of titles. Nevertheless, the systems are well established politically and legally and are continuing parts of the legal systems in the particular countries.

(3) Allotments of land:

A resolution of aboriginal title claims has, in certain areas, involved allotments of land to individual native people or to native families. The two major examples appear to be allotments of reservation land in the United States under the Dawes Allotment Act of 1887 (The General Allotment Act, 24 Stat. 388) and the Half-Breed land grants in Canada under the Manitoba Act and the Dominion Lands Act. On allotments, the following literature is relevant.

John Taylor, Historical introduction to Metis Claims in Canada, Indian Claims Commission, Ottawa, 1973, 1975.

H. Douglas Kemp, Land Grants under the Manitoba Act, Historical and Scientific Society of Manitoba, Series III, 1954, p. 3.

Marcel Giraud, The Western Metis after the Insurrection, 1956, Saskatchewan History, Vol. 9, No. 1, p. 1.

Stanley, The Birth of Western Canada, University of Toronto Press, 1960.

Ethel Williams, The Indian Heirship Land Problems, in Johnson (ed) Studies in American Indian Law, Faculty of Law, University of Washington, Seattle, June, 1970 (mimeo).

(4) Other land holding systems:

Resolution of aboriginal title claims may involve the establishment of reserves or the establishment of other systems for group land holding. As is now well known, the Alaska Native Claims Settlement Act granted land and money to a series of regional and local corporations. They were incorporated under the standard state law relating to corporations. There are other examples of corporations or trusts established to hold land for a native group.

Aronson, Aboriginal Land Rights: The View from Australia,
1975 (unpublished)

Sanders, Compensation Schemes for Native Land Claims,
Waigani Seminar, University of Papua New Guinea,
1973, reprinted in Sanders, Cases and Materials
on Native Law, University of Saskatchewan Summer
Program for Native Law Students, 1973, p G1.

Norman Smith, Maori Land Corporations, A.H. & A.W. Reed,
Wellington, New Zealand, 1962.

Report of the Commission of Inquiry appointed to inquire
into and report upon the working of the law
relating to the taxation of Maori authorities,
Government Printer, Wellington, 1952.

Report of the Royal Commission on the condition of the
Halfbreed Population of the province of Alberta, 1936,
Sessional Paper No. 72. (see also the Metis Betterment
Act of the Province of Alberta).

C. Roderick Wilson, R. Bruce Morrison, Grande Cache: Another
Land Claims Model, in Freedman and Barkow (eds),
Proceedings of the Second Congress, Canadian Ethnology
Society, Canadian Ethnology Service Paper No. 28,
National Museum of Man, Mercury Series, Ottawa, 1975.

Conclusion

Resolution of aboriginal title claims in English law can
result in:

(a) a system of recognition and conversion of native title,

(b) a system of surrenders and reserves,
(c) allotments of land to individuals or families,
(d) corporate land holding by a corporation, trust or other
body, (e) certain rights to use lands (such as hunting, fishing,
trapping and gathering).

There is no reason to exclude the application of any of these variant
systems to the situation in the Northwest Territories of Canada.

IV. THE PRESENT SITUATION IN THE NORTHWEST TERRITORIES.

(A) The evolution of Canadian Indian policy, 1763 to the present.

Indian policy has been an important part of the constitutional
history of Canada. There was the centralization of Indian policy in the
18th Century (referred to earlier), the transfer of jurisdiction over
native matters to the Province of Canada in 1860 and the decision in 1867
to assign legislative responsibility over "Indians, and Lands Reserved
for the Indians" to the federal government. The decision in 1867 in
favour of federal jurisdiction appears to be rooted in a policy commitment
to protect native groups and the perception that the centralization of
authority was more likely to advance that goal. Because of this
centralist decision, the question of native rights has been a significant
question in the constitutional evolution of the country since 1867.

Sanders, The Foundations of Canadian Indian Law after 1867,
University of Windsor, October 18, 1972, unpublished,
available at the Indian Claims Commission, Ottawa.

Sanders, Group Rights, the Constitutional Position of the
Canadian Indian, paper for the Study Group on the
Canadian Constitution, Canadian Association of Law
Teachers, 1972, available at the Indian Claims Commission,
Ottawa.

The Manitoba Act, 1870.

Order of Her Majesty in Council, admitting Rupert's Land and the North-Western Territory into the Union, 1870.

Terms of Union of British Columbia, 1871.

Quebec Boundaries Extension Act, 1912.

Ontario Boundaries Extension Act, 1912.

British North America Act, 1930 (The Natural Resources Transfer Agreements).

Carrouthers commission on the development of government in the Northwest Territories.

A Paper on the Philosophy of the Department of Local Government, prepared for the Legislative Council of the Northwest Territories, January 10, 1975.

Judge William Morrow, Native Land Claims and the Proposed Pipeline, talk to the Natural Resources Institute, Winnipeg, February 2, 1976, reprinted in News of the North, February 11, 1976 under the headline: "North in Ferment".

Canadian constitutional history would indicate that decisions relating to a resolution of native land claims and decisions relating to the constitutional evolution of the Northwest Territories cannot be separated. The recent land claim of the Inuit confirms this analysis.

(B) The relationship of non-native land use and a resolution of aboriginal title claims.

Earlier it was suggested that there are five differing kinds of property regimes or property rights which could emerge from a resolution of aboriginal title claims: (a) a system of recognition and conversion, (b) reserves, (c) allotments, (d) corporations or trusts holding land, (e) usufructuary rights to hunt, fish, trap, gather or harvest the land. It

seems clear that permitting non-native land use without a resolution of aboriginal title claims necessarily compromises the nature of the claims or assumes a particular type of resolution of the claims. To see the question simply in terms of expropriating government crown land or expropriating Indian land fails to appreciate the alternative possibilities of native ownership that could follow a resolution of aboriginal title claims. To pick two alternatives, the expropriation might be of individual private land holdings under an allotment system or the expropriation of property rights held by a corporation for all Indian people in the Mackenzie District. The variants involved are not simply those of ownership and compensation but also of control.

APPENDIX A
WITNESS RESUME

Douglas E. Sanders

Present position: Barrister and Solicitor, Victoria, B.C.

Education: B.A., University of Alberta
LL.B., University of Alberta
LL.M., University of California, Berkeley

Professional experience:

1963-69 - private practice, Vancouver, B.C.

1969-72 - Assistant Professor, Faculty of Law,
University of Windsor

Summer 1972 - research on indigenous policy,
Australia, New Zealand, Papua New Guinea
and Fiji

1972-74 - Director, Native Law Centre, Carleton
University, Ottawa

Summers 1973, 1974 - Lecturer, pre-law programme for
Native students, College of Law, University
of Saskatchewan

August, 1974 - May, 1975 - Legal Counsel and Research
Co-ordinator, Union of British Columbia
Indian Chiefs

June-July, 1975 - Volunteer advisor, National Indian
Association of Panama, under CUSO auspices

Litigation relating to Indians:

1. Expert witness in Kanatawat v. James Bay Corp'n.
2. Counsel in In Re Paulette (Supreme Court N.W.T.)
3. Counsel for National Indian Brotherhood in
Lavell v. A.-G. Canada and Canard v. A.-G. Manitoba
(Supreme Court of Canada)
4. Counsel in three current hunting and fishing right
cases: Regina v. Jack (now on appeal to the B.C.
Court of Appeal), and Regina v. Kruger and Manuel
and Regina v. Derriksan (both now on appeal to the
Supreme Court of Canada).

Professional affiliations: Member of the bars of British Columbia,
Alberta, Ontario and the Northwest Territories

Publications and talks:

1. The Hutterites, A Case Study in Minority Rights, Canadian Bar Review, 1964.
2. The Sentencing of Homosexual Offenders, Criminal Law Quarterly, 1967.
3. Native Rights in Canada, General Publishers-I.E.A., First Edition, 1970.
4. Dodgers, Deserters and the Law, Canadian Bar Convention, Halifax, 1970.
5. The Prospects for Penal Reform, Canadian Corrections Convention, Ottawa, July, 1971.
6. A Legal Services Program for Indian Communities in Canada, National Conference on Law and Poverty, Ottawa, 1971.
7. Native Land Rights: North America, Australia and New Zealand, Association of Australian and New Zealand Law Teachers, Hobart, Tasmania, August, 1972.
8. The Bill of Rights and Indian Status, University of British Columbia Law Review, August, 1972.
9. Native People in Areas of Internal National Expansion, Conference on Law and Native People, Saskatoon, March, 1973, published by the International Work Group in Indigenous Affairs, Copenhagen, Denmark, November, 1973 and in the Saskatchewan Law Review, 1974.
10. Compensation Schemes for Native Land Claims, Waigani Seminar, University of Papua New Guinea, May, 1973.
11. Cases and Materials on Native Law, First Edition, June, 1973, Second Edition, June, 1974.
12. The Nishga Case, B.C. Studies, Fall, 1973.
13. Benign Discrimination: The Wrong Model for Indian Policy, Symposium on Civil Liberties in the Seventies, Osgoode Hall Law School, Toronto, February, 1974.
14. Canadian Courts and the Concept of Indian Title, Proceedings of the First Congress, Canadian Ethnology Society, Canadian Ethnology Service, Paper No. 17, National Museum of Man, Mercury Series, Ottawa, 1974.
15. Indian Hunting and Fishing Rights, (1974) 38 Saskatchewan Law Review, 45.
16. Case notes on the Cardinal case and the Lavell case, (1974) 38 Saskatchewan Law Review.
17. The Indian Act and the Bill of Rights, (1974) 6 Ottawa Law Review, 397.
18. Native Claims in Canada: Symbolism and Social Reality, Monash University Research Seminar, Aborigines and the Law, Melbourne, Australia, July, 1974.
19. Law and the Proletarianization of Native Peoples in the Americas, Symposium on Indigenism and Colonialism, International Congress of Americanists, Mexico City, September, 1974.
20. Digest of Canadian Indian Case Law (with Paul Taylor), in Abler, Sanders, Weaver, A Canadian Indian Bibliography, University of Toronto Press, 1974.
21. Native Claims in Canada: A Review of Law and Policy, Mid-Winter Meeting, Alberta Bar Association, Edmonton, February, 1975 (this paper is a revision of the paper mentioned in item 18, above).
22. Family Law and Native People, a Report to the Law Reform Commission of Canada, June, 1975.
23. Indigenous Remnant Populations in the Americas, Second Inter-American Conference on the Juridical Aspects of Economic Independence, Panama City, June, 1975.
24. Indian Women, to be published in the McGill Law Review.

Indian Brotherhood of the Northwest Territories
Metis Association of the Northwest Territories

"Nation and Nationalism in the Third World"

Statement of Evidence of
JOHN S. SAUL
before the
MACKENZIE VALLEY PIPELINE INQUIRY
YELLOWKNIFE, N.W.T.

April 1976

My testimony will discuss certain features of the realities of "nation" and "nationalism" in the Third World. No attempt will be made to apply my findings directly to the case of the Dene nation, since any such undertaking would fall outside the range of my own knowledge and expertise. Nonetheless, this evidence would not be presented unless I were confident that there are lessons to be learned from a comparative approach which can help illuminate and legitimize the Dene claim.

I

There has been much debate in the scientific literature about what, precisely, constitutes a nation. A variety of criteria have been suggested, most prominently the existence of a common history, territory, culture and language. Yet there has been a great variation in the applicability of these criteria to the peoples who have successfully asserted their claim to "nationhood" in the past fifty years. This has been particularly true for peoples who have lived, until well into this century, under colonial or semi-colonial conditions, and who have economies both poor and underdeveloped--the peoples of the so-called "Third World". Some such peoples have a centuries old experience of commonality (e.g. China and certain other Asian countries), some only a very limited common experience arising from their original inclusion as tribes within the arbitrary boundaries established by European colonialism (e.g. most parts of Africa). For the latter, their nationalism is as much a matter of aspiration as it is one of established fact. But this does not make it any less real or important. Indeed, in much of Africa the very process of asserting "nationhood" has often been a crucial process in awakening the awareness of the mass of the population concerned as to their participation in the nation and as to the new opportunities which such participation offers them.

Therefore, the first point suggested by Third World experience is that a theoretical exercise designed to define the "essence" of a nation is designed to mislead by giving people against such a

criterion is beside the point. A nation is, quite simply, any group which demands to be treated as such. Of course, a common history, territory, culture and/or language are very important, as is a shared experience of oppression and exploitation. These common features can help give mass, meaning and strength to the efforts of the peoples involved. The presence of such attributes can also help to convince outsiders to accept the claim to nationhood which is being made. But in the Third World, it has been the demand itself which has been of primary importance, and the success of previously subjugated peoples in having their demand accepted. In consequence, what the remainder of this testimony will focus upon is, firstly, the very good reasons why the demand to be treated as a nation has been made by Third World peoples and, secondly, some of the results and implications of that demand having been made.

II

Enough of these massacres

I have suffered for five hundred years

I can bear it no longer

This forced labour

I suffered on the railways

in the fields of cotton

in the timber mills and on the sisal plantations

I can bear it no longer

I can bear it no longer

this was the cry of the people

of those who have suffered

since the first day of the invasion

The people say: Enough

B. S. Ngugi, a nationalist poet in
Kenya

The period since the Second World War has seen the dramatic rise of nationalism in the Third World. The reason is simple: the concept of the nation and the political reality of nationalism have proven to be the most effective tools for resisting continued European hegemony in colonial and semi-colonial areas of the world and for winning independence. Other methods had been tried. When European imperialists first began to arrive in Africa, for example, there ensued in virtually every territory a period of warfare, termed by historians as the period of "primary resistance" on the part of the peoples about to be colonized. After such initial resistance had been crushed by the military might of Europe, the indigenous population was either marginalized or forced into playing a subordinate role within the overarching imperial economy and society. In the words of Amilcar Cabral of Guinea-Bissau (Africa's outstanding nationalist activist and revolutionist, until the time of his assassination by Portuguese agents in 1972), what was happening to the "decolonized people" was, quite simply, "the negation of its historical process"!

Indigenous populations continued to try various means of regaining a measure of autonomy and independence; for example, there was a pattern of sporadic (and usually much too isolated) acts of resistance, both violent and non-violent, and there were attempts at assimilation, with the consequent (but limited) advancement of a few indigenes within the alien system. Yet isolated acts of resistance proved futile. And assimilation failed in any significant way to alter the broader structures of exploitation and oppression which the population as a whole faced in each territory. It also drew too many of the best of the region concerned to its receptacles, to the detriment of the struggle of colonialism, Third World peoples could stand a chance of arriving to build for the future of modern times, but only if they were recognized to exist and where they defined themselves. To a new generation of independence fighters, with their eyes on the broader population as well as on the ruling class, the struggle was a large enough and complex enough one, which they could finally realize their

gates. As Colclough put the point in the essay already cited:

National liberation is the phenomenon in which a given socio-economic whole rejects the negation of its historical process. In other words, the national liberation of a people is the regaining of the historical personality of that people, its return to history through the destruction of the imperialist domination to which it was subjected.

Of course, the choice of "the nation" by Third World peoples as a primary instrument in their drive for liberation and self-realization was partly a result of the way in which the outside world was structured. Even when the nation as such was a negatively alien, European, concept, its construction seemed a necessary achievement in order to deal effectively with a generally hostile and aggressive external environment--an environment which was, of course, organized into nations. As Basil Davidson, one of the most sensitive contemporary writers on African history, has observed, this lesson began to be learned by some quite early in the colonial epoch:

People nations: or you cannot become free. In some such imperative as that the European message reached African ears, decade after decade, through a multitude of more or less sceptical exhortations: A people without history, and a people without history could have no identity, and therefore no real claim on that dignity and self-respect which even the poorest European peoples had successfully acquired for themselves. The lesson was to be well learned.

In this way, the acquisition of national status was seen to have value, in itself, as national, a fine criterion for having one's place in the world taken seriously.

57
The decision to act on this latter assumption has proven to be quite correct tactically; of that there can be little doubt. Nonetheless, there has been a great deal more to Third World nationalism than merely tactical considerations. As Davidson goes on to affirm for the African situation:

The case is clear: nationalism in Africa today is primarily a claim for equality of status and of rights, for personal dignity, self-respect, full participation in the things of the material world as well as in the things of the spirit: a consistent effort to remove Africans from their condition of acquired inferiority to which they have been relegated through the years. And this is everywhere true.

This quotation is a useful evocation of the positive attributes of successful nationalism. It touches on the three spheres in which the promise of nationalism's making a substantive contribution to the betterment of Third World peoples can be seen to lie: the political, the cultural and the economic.

The potential political contribution of nationalism is the most obvious. A successful nationalism generally means the establishment of a political entity with a significant new degree of self-determination. Can there be any disagreement with the argument that self-determination is better than subjection to imperial domination for the peoples of formerly colonial or semi-colonial countries? The assertion of the demand for independence may also have the effect of releasing the creative energies of increasing numbers of people in the nation concerned. No be sure, this has not always happened, but the independence era has provided at least the potential basis for a new day of circumstances which, by definition, a colonial imperial framework could never provide. Moreover, even the very political issues involved in staking a nation's claim to "sovereignty" has tended to have a profoundly demoralizing effect, as any native people are drawn, for

the first time, into an active involvement in shaping their own destinies.

There is something which I witnessed for myself when I visited the liberation areas of Mozambique in 1973 during that country's struggle for freedom against the Portuguese colonial power. There, too, I witnessed the way in which "nationalism" can also help transcend the most parochial of tribal loyalties, the latter often focusing attention on units so isolated and narrowly traditional to facilitate a fully effective political mobilization against the external agents of oppression.

The cultural contribution of nationalism can also be great--just as the need for some such contribution is itself overwhelming. The cultural and psychic depredations of conquest and imperial control have been well documented by writers like Césaire, Memmi, James, Cabral and Fanon, those who have themselves sprung from a colonial background and who have been able to reflect profoundly upon such themes. Significantly, the outstanding African nationalist leader, Samora Machel, echoed precisely these writers' themes in a speech presented on the occasion of his inauguration as President of the new People's Republic of Mozambique in June 1975 (Mozambique having become independent after more than ten years of struggle against Portuguese colonialism):

It was in order to keep our people subjected to its domination that colonialism tried--in some cases, particularly in the urban areas, with some success--to destroy our personality, so to speak, and create a slave mentality to aid the foreigner. Assimilation was not merely the superficial copying of a simple dictator (a lexicon), it was in fact a total enslavement to the foreigner in its political, economic and ideological process of erasing all the customs, history and traditions of our people. A man thus spiritually destroyed because a living corpse, a slave ready for the colonizers'

way of thinking, acting and living...This is the heritage we are reaping today.

of "four traditions annihilated, our civilization negated", a "civilization we created" to which "scholars (was) made widespread in destruction and the disintegration of the family" and the "Terrorism problem", but one with which a Free Mozambique can now at least begin to deal.

The fractional response of Samson Michel and his colleagues in Mozambique to many of these problems has been the same as that suggested by Flantz Fanon in his well-known book, The Wretched of the Earth: to provide the stimulus for the rebirth of a national culture. Such a culture would hope to blend the best and most relevant of traditional values with a concern for contemporary reality and contemporary problems--in fact, just such a human blend as is rejected by definition by the architects of assimilation. As Fanon rejoined his fellow Third World intellectuals, alerted by the individual rewards attendant upon their assimilation:

We must work and fight with the same rhythm as the people to construct the future and to prepare the ground where vigorous crops are already springing up. A national culture is not a folklore, nor an abstract poem for the scholars. It can discover the people's true nature. A national culture is the whole body of efforts made by a people in the sphere of thought to describe, justify and praise the actions through which that people has created itself and has itself evolved. A national culture is an unrelenting search for the authentic. Therefore make its place at the very heart of the struggle for freedom. When these conditions are met, on...

In the condition of the... ability; in any way, a specu-

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And over among the most extraordinary things which I witnessed for myself in revisiting Mozambique in June, 1978, for that country's independence celebrations was the extraordinary display of creative energies unleashed in the cultural sphere--in all sectors of the population and, especially, in all the art forms which one could imagine--by the fact of freedom. For a previously repressed and disoriented people, the pride of accomplishment and sense of possibility which a successful national liberation has often been used to set them again on the road to significant accomplishment in every sphere.

Next, finally, of the economic contribution of nationalism? Julius Nyerere, President of Tanzania and one of the most innovative of Africa's post-war nationalists has put one important point clearly in his essay "Towards Nationalism":

Surely, if it is reasonable or understandable that Britain, Canada and France, should protect their strong economies against domination by the even stronger American economy, it is also reasonable that Africa should be concerned about these matters? The fact that our national economies are weak does not alter things. On the contrary, the fact that we are underdeveloped raises such industry as does exist the more vital to our future. It becomes more essential, not less, that our major means of production should be under the control of the people and that the people's representatives should determine the policies followed.

As I have said, this economic nationalism has nothing to do with the ideology of socialism, capitalism or communism. It is not a new nation states. The form, and the method of working, each country where it finds an answer to its own way. But it would be wrong to suppose that the well-being of its people should be indefinitely controlled

from outside. Whatever economic system the peoples of different African countries eventually adopt, it is quite certain that sooner or later they will demand that the key positions of their economy are in the hands of their own citizens.

It is thus merely a question of control for its own sake. The argument must be placed in the context of a virtual flood of recent studies of the political economy of dependency which have shown, at least to my satisfaction, that the unalloyed economic impact of advanced capitalist economies upon the economically "backward" parts of the world has had (and continues to have) disastrous consequences. Quite simply, there is no "invisible hand" which dictates equitable distribution and evenness of development in the world economy. The evidence is incontrovertible: that as hostilities at the centre of the system die and rich in capital, technology and power--dies!

It is perfectly true that in such an unstable world not all of the new nation-states--perhaps not even the majority--have managed to defend their people against the kind of economic polarization between centre and periphery, metropole and hinterland, which characterises, cynically, the functioning of capitalism on a world-scale. Obviously, under such circumstances, national control only makes a contribution if it goes beyond being merely defiant and defiant. Nevertheless, what is equally clear is that without a national focus and a national presence, Third World peoples would be entirely defenceless against imperial dictate and subordination, as defenceless as they were under colonialism. As well as being a nation has nation to be a necessary--though not sufficient--condition for economic development in the modern world.

will in a political vacuum factor. Discussion. As a growing body

of writers have argued in recent years, a nationalist assertion can also reflect some severe weaknesses when measured against what is actually necessary in order to deal with the problem of underdevelopment. Thus, the most eloquent chapter in the book Frontiers, an edited above-page which precedes his stirring chapter on the virtues of "national culture"--is entitled, precisely, "The Pitfalls of National Consciousness". Here Fanon points out very clearly that many nationalisms have been unduly pre-occupied with merely the winning of formal political independence and that such a narrow preoccupation can have a number of negative consequences.

It can, for example, give such an appearance of achievement that other pressing questions concerning cultural integrity and indigenous women's emancipation will not be overlooked. Indeed, President Nyerere of Tanzania has gone so far as to argue that "it is comparatively easy to get independence from a colonial master--especially one which claims to have its national morality in the principles of freedom and democracy. Everyone wants to be free, and the task of the nationalist is simply to rouse the people to a confidence in their own power of protest." But to build "real freedom" is quite a different matter, and Nyerere observes that unless the goals of the nationalist movement are broadened and deepened, "the anti-colonial struggle will almost certainly have intensified the difficulties" of realizing such "real freedom".

Related to this, nationalist longing for "independence" has often led the new state leaders, in the Third World, of bringing into the new governments of power and authority indigenous elites who, in effect, may be economically allied with the ruling class of the colonial system. Such a "bourgeois nationalist" can involve a very real domination (or extermination or the like) of the poorer, less powerful groups, with little alteration in the economic structure of the society, or in the position of the society flowing from the economic structure. It is not surprising that

in 1957, Kérékou "warned that the people should not allow their freedom to be pawned as most of the leaders were purchaseable. He went further that in running the affairs of the nation the people should not look on their leaders as 'saints or prophets'. The President stated that the attainment of freedom in many cases resulted merely in the change of colours, white to black faces without ending exploitation and injustice, and above all without the betterment of the masses." In sum, in emphasizing a parallel discussion of this reality, has been equally eloquent:

The national middle class discovers its historic mission: that of the military. Seen through its eyes, its mission has nothing to do with transforming the nation; it consists, precisely, of being the ideological line between the nation and a capitalist, capitalist thought system... which today part of the range of neo-colonialism.

the danger is that the young state sink back inevitably into neo-colonialist lines. The national economy... is literally controlled. The budget is balanced through loans and gifts, while every three or four months the chief ministers themselves or else their governmental obligations come to the erstwhile mother countries or elsewhere, fishing for capital.

In short, newly independent nations which have been structured on this kind of class have been preyed to stronger economic services and to the exploitation of indigenous elites. On the one hand, this movement of bourgeois class is closely aligned with the neo-colonialist system. On the other hand, in consequence, an increasing number of nations are being led by any new nation. On the other hand, in fact, it is a fact that the nations are being led by the international community. On the other hand, in fact, it is a fact that the nations are being led by the international community. On the other hand, in fact, it is a fact that the nations are being led by the international community.

predictable. We might cite here another source to reinforce the picture sketched in the previous section. Thus, a series of articles in an underground journal as El Yacine (and subsequently published in the widely read book El Yacine, by Richard L. Smith and Sharon Heller) noted unequivocally that

The negative impact of global corporations on living standards, employment rates and economic justice has occurred despite the fact that many corporate officials would like it to be otherwise and believe that it can be. The unfortunate role of the multinational business in maintaining and increasing world-wide poverty results primarily from the dual reality that global corporations and poor countries have different--indeed, conflicting--interests, priorities and needs. The primary interest of the corporation is profit maximization, and this means that it is often advantageous for the balance sheet if income is diverted from poor countries.ayer as they are to be good corporate citizens, the managers owe their primary allegiance to company shareholders. Their businesses, they like to say, are neither charities nor welfare organizations, although some do devote modest resources to good works. The claims of the global corporations rest instead on the theory of the multiplier which says, in effect, that by enriching themselves they enrich the whole world. This, unfortunately, has not been the reality.

The new writer seriously interested in development must be one which can articulate clearly the different "interests, priorities and needs" of different groups.

In economic terms, the writer must be able to make formal political demands for "development" in the form of economic progress. It is the writer's task to identify and articulate rationalists in Third World culture who believe in economic and political

the "incompleteness to the goal of 'nationhood' in Africa and elsewhere, what ever their criticisms of established practice--have come to lay more and more stress on cultural and economic dimensions of the struggle--and on the need for internal democratization. The next goes again to my own confidence with the nationalist movement in South Africa: precisely this kind of confidence has helped to seal the position. Vice President of the country, he distinguishes what he terms "primitive nationalism" for the much more relevant and radical kind of nationalism which is gradually taking shape in his country and which has begun to lead up to the broader kind of challenge we have been discussing. In South Africa, such nationalists as Dr. Sauer have also sought a high degree of political autonomy. Nevertheless, the point is that the foundations of such "independence" are far less likely to be as solid as the actual political autonomy, control and defense of a nation.

* * * * *

As noted at the outset, an attempt to apply the lessons of Third World experience in any kind of systematic way to the needs of the DRC would involve a great deal of speculation on my part. In consequence, I would merely suggest the following observations:

1. The apparent coherence--in terms of history, territory and aspirations--of the DRC as a nation is apparent, but in any case heavy circumstances are placed by the native people to guarantee their self-defense politically and in solid grounds.
2. These other countries do not totally exclude a comparative analysis of Third World nationalism. This analysis suggests that for peoples like the DRC, who have been exploited and colonized, the only way to achieve a "nationalism" is through a "nationalism" which is based on the political, economic and social conditions which they require

in order to achieve development.

3. In light of Third World experience of the weaknesses as well as the strengths of nationalism, the pursuit of the Dene to achieve a form of independence or "regime shift" (as some hostile critics have attempted to portray their position) and instead to concentrate their attention upon the winning (and institutionalizing) of sufficient autonomy to guarantee cultural integrity, economic power and the basis for the genuinely democratic control over their own lives by the people concerned is completely logical and fully justified.

APPENDIX B.

WYLLIE'S ALBUM

John S. G. Saul

EDUCATION

1950-51 - B.A. in Social Science,
Athlone College, York University

EMPLOYMENT

1950-51 - University of Toronto
1951-52 - University of Toronto
1952-53 - University of Toronto
1953-54 - University of Toronto
1954-55 - University of Toronto
1955-56 - University of Toronto

RESEARCH

1955-56 - Teaching Assistant, Department
of Political Science, University of Toronto

1956-57 - Teaching Assistant, Department of
Political Science, University of Toronto

1958-59 - Research Associate, University
College, Bar es Salim, Toronto

1959-60 - Assistant Lecturer, Department of
Political Science and Institute of Public
Administration, University College, Bar es
Salim, Toronto

1960-61 - Lecturer, Department of Political
Science and Institute of Public Administration,
University College, Bar es Salim, Toronto

1961-62 - Senior Lecturer, Department of
Political Science, University of Bar es
Salim, Toronto

1962-63 - Senior Lecturer, Interdisciplinary
Program on African Society and
Environment, University of Bar es Salim

1963-64 - Professorial position at
University College, York University, Department
of Political Science and Social
Science, and the Ontario Institute for
Studies in Education, Department of History
and Geography

RESEARCH COUNCILS

1962-63 - John D. Robinson Foundation

1963-64 - John D. Robinson Foundation

RESEARCH

1964-65 - Research Assistant, Board,
Toronto

1965-66 - Research Assistant, Board,
Toronto

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Also numerous articles, papers and reviews relating to politics and economics in Africa.

APPENDIX B

Reports, etc., referred to in Section A.

Ch. 17. Anti-Colonialism in Africa (Harmondsworth, UK, 1973)

Albert A. Bergson and John B. Stille, The Political Economy of Africa (New York, 1972)

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John B. Stille, Revolution in Africa (London, N.C.)

John B. Stille, Revolution in Africa (New York, 1973)

John B. Stille, Discovery in Colonial Africa (New York, 1972)

John B. Stille, Which Way Africa? (Harmondsworth, 1964)

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John B. Stille, Revolution in Africa (Harmondsworth, 1973)

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John B. Stille, The Wretched of the Earth (Harmondsworth, 1967)

John B. Stille, Revolution in Africa (New York, 1973)

John B. Stille, The Revolution in Africa (New York, 1973)

John B. Stille, Freedom and Unity (London, 1966)

John B. Stille, Revolution in Africa (London, 1973)

John B. Stille, Revolution in Africa (London, 1974)

John B. Stille, The Wretched of the Earth (London, 1967)

Reed April 1976

Indian Brotherhood of the Northwest Territories
Metis Association of the Northwest Territories

"It's People That Count"

Statement of evidence of

DONALD G. SIMPSON

before the

MACKINAC VALLEY PIPELINE INQUIRY

YELLOWKNIFE, N.W.T.

April, 1976

In 1960 I first travelled outside North America to live in an African village and to work with the villagers in manual labour as they sought to prepare themselves for independence. Since then I have returned regularly to live and work in various parts of the Third World as a labourer, a teacher and as an administrator for an AID agency. Since 1972 I have been working for the International Development Research Centre (IDRC) a federally funded agency which concentrates on the problems of development in the Third World. The agency owes much of its early initiative to Lester Pearson who served as the first chairman of its Board of Governors. My responsibility is for their education research programme and in this capacity I travel regularly to Asia, Africa, Latin America and the Caribbean.

It seemed incongruous to me to be flying around the world working on development issues if I was not at the same time concerned about similar issues in my own country. Indeed it was through visiting African students in the early 'sixties that I first came to know the Native People of South-western Ontario (the Africans wanted to visit a reserve) and I have worked with some of them ever since. In 1969 I founded the Cross-Cultural Centre at the University of Western Ontario which brings together material and people from around the world and which includes a Native Resource Centre directed and staffed by Native people. In 1969 I visited the Northwest Territories for the first time when I came to Yellowknife for the North Communications Conference and in 1970 I was in the Kootenai running a seminar for the settlement managers. Since then I have been making frequent visits and in 1974 I was asked by the Indian Brotherhood to serve as an unpaid

volunteer for them in the South. I wish to stress that I am here on my own time and am making this presentation as a private citizen and not as a representative of IDRC.

It should not have to be pointed out that I have never lived in the North for a sustained period. However, I have been constantly struck by the similarities between some problems both in interpersonal relations and in development work both here in the Canadian North and throughout the former colonial world. My presentation then is not meant to be a thorough analysis of the history and development of the former colonies and the North. Rather it is mainly a personal account of some experiences in the Third World which may have parallels in the North and which may help some people to better understand the feelings expressed and positions taken by the Native people towards their land and the proposed pipe line.

During the past 16 years I have learned a great deal about colonialism as it was practised both in Asia and in Aklavik. A good deal of it is a sad story of man's infinite capacity for greed but that is for others to recount. I would rather concentrate on the efforts of the colonized people to be self-sufficient and the efforts of some members of the dominant group to aid them in their development. In spite of the good intentions of these people their actions often bred anger, confusion and disappointment both within the groups and across the cultural groups. How does one explain this?

Let us look first at the people of the newly independent countries. So many of them lacked confidence in themselves. They shied away from their own literature, poetry and drama and continued to teach the European experience. Their history had been denied them and many were afraid to resurrect it. They still behaved as if the White man were the expert and could be relied on to make the best judgment. Well educated as some of these people were, intellectually they were often still dependent on the Europeans.

Millions of others, faced from birth with a constant problem of economic survival, had developed a feeling of helplessness and of not belonging matched with a strong sense of personal unworthiness. I would not wish to suggest that this was the condition everywhere but where it existed it presented difficulties for people in those societies who saw that having a clear sense of identity was a crucial step in improving their lives. Their work was not aided by well-meaning outsiders who came in convinced that the way to progress was to turn all the peoples of the world into a homogeneous mass functioning with Western values. In many places, the outside development expert attempted to replace the traditional culture with a western one through the introduction of modern technological means, new organizational forms and ideological orientations. When some people in these former colonial societies began to suggest that their educational system should grow out of their own culture - out of their own environment - they were told even by some of their own people this would be a backward step and would lead them into an intellectual ghetto. They would be cutting themselves off from access to the University of London or Harvard

A young West Indian girl who graduated from Western University was viewed as a radical in her home town school when she advocated that each year the children should read at least one West Indian novel. In one classroom where the students were dealing with a West Indian novel, I saw a student come to a section where the author had the characters speak to each other in dialect. The student reading to the class translated the dialect into the Queen's English before reading it aloud, because she had had it drummed into her that all local dialects were inferior.

In another country I was asked by the Education Ministry to evaluate an educational proposal put forth by two local teachers whom I knew and admired. I reported favourably on their project and then was asked by them if I would come and participate in a summer workshop on the topic. I expressed surprise as they had such capable people in their own system. Their answer was that the teachers would pay more attention to my opinion because I was a white expatriate. Here again we are talking about cultural identity.

When I first went to Africa the English speaking countries thought they had achieved a major success if their complete school system was functioning in English. By the end of the decade however, major problems had arisen in attitude, discipline and drop-outs---even in the ability to read English. To-day for both pedagogical and cultural reasons the early school years in most countries are carried on in the local language.

We often say we want to treat others as equals. My feeling is that you cannot make a man your equal - you cannot reach across the table, shake his hand and say "you are my equal." The two of you can only be equals when each of you believes it. If all the standards of excellence are from outside of the child's experience and foreign to his family, then you are putting two strikes against him to begin with. I remember being in Sierra Leone talking to a group of young children about some progress on airport construction. Their comment was "it will get done when the Whites do it." They felt very strongly that there wasn't anyone in Sierra Leone who could do it the way Europeans could do it.

Contrast that with a young boy of, perhaps, eleven or twelve who guided me around Ibadan when I first visited there in 1960. This boy belonged to the Yoruba nation who had clung tenaciously to their language, art, poetry and other aspects of their culture. He asked me at the end of my stay "How did you like Nigeria?" I said "I had a fascinating time but the amazing thing to me is how well your people have received me, in spite of the information that had been in their papers about the way Whites treated Blacks in North America." The answer of this young boy was "Why shouldn't they? It is not your fault you were born White instead of Black."

When I first came to the North the thing that struck me the most was the similarities between problems being expressed here and problems expressed in the Third World. Great amounts of money were being spent on an education that consciously or unconsciously was aimed at making the Indian children just like White Southern Canadian children. Some Native people had a sense of hopelessness and others still had not given up and were seeking ways to retain or regain their language, their history....their self respect. So many discussions I had with them took me back to discussions I had had in Africa or Asia.

On the other side were the government administrators, the best of whom were expressing the same kind of frustration of people in the AID work overseas....."If the local people were only smarter, would only work harder, then their efforts to help them develop would pay-off."

Besides the common frustrations there were some clear similarities in organization between the Canadian North and the former colonies about which I have been talking. First in economic terms the basic characteristic of most colonial economies is a combination of subsistence food-getting (here hunting and fishing) with the export of raw materials (furs and minerals). Manufacturing industry is conspicuously absent. One also sees the ethnic division of the population into people of Indian or Inuit descent on the one hand and Whites on the other with the latter holding nearly all the positions which carry power, money and prestige. The parallels with other colonies are obvious. Lastly the North is colonial in political terms as both the Whites

and Native population would agree, although for somewhat different reasons. The Whites argue for responsible representative government within a provincial framework while the Natives go further and argue against a form of government alien to their own system which is being forced on them.

My reason for drawing these rough parallels is to show that while the situation in the North is not exactly the same as in the former British or French colonies there are enough similarities to make it quite understandable for the Native people to look to the Third World for possible solutions, suggestions and support. This move is a natural one and rather than being angered or frightened by it the Federal and Territorial governments should see it as a positive step on the part of the Native people. Indeed the government should also realize that if some of the problems and frustrations have been the same in India and Inuvik then perhaps there are some lessons for the North which can be gained from the experience of Canadian efforts to assist development in other parts of the world.

Let us look now for some of those useful insights. The late 'fifties and early 'sixties was the beginning of the development of large AID agencies in the Western world to assist the Third World. It was an exhilarating period for those of us interested in international development. For one thing I think we felt we knew how to develop an underdeveloped country. I think the Western world was much more cocky and confident in 1957 than we are now. You may interrupt to ask what did we mean by development. If we were honest with ourselves in that period we would have said that it means as much as possible making their life like ours.

Development, as it is often practised, I would say is one of the politer terms for an age-old process. It is the polite modern form of the process where the people of one culture arrange the affairs of people of another culture. And the arrangement is usually done in the former's image. The outsider had a mixed bag of intentions--some good and some bad. We wanted them to accept the wage economy, improve their health standards, we wanted to Christianize them, we wanted to educate them. Educate them for what? Cynics would say - "educate them to want the goods and services we had to sell." Educate them, in other words, to become more efficient consumers.

There were many who were not cynical about the goals of our development work in the Third World in the 'sixties' but many of them also saw modernization and the development of groups of people as a process mainly dependent on three factors. The three factors are these: economic inputs, manipulation of the environment and technological innovations. The implicit assumption appears to have been that given the correct mix of these three variables, the desired human behavioural changes would follow almost automatically.

Assuming that the Eastern or Western nations were seriously interested in the economic and social development of the Third World countries (and in many ways that is a big assumption to make) let us look at some of the results of this approach to development. If we wish to look at specific projects it might be useful to look at a dam project, both

because dams are very spectacular and because we seem to have a great attraction for dams in our development programmes. The dam project to which I wish to refer however is not one in which the Canadian AID programme was involved. I speak of the giant Aswan dam which was to repay its billion dollar cost in two years, double Egypt's national income in ten, save her growing population from starving and serve as a beacon of progress to light the Arab world. What have been the results?

The high dam's target was to generate 10 billion kwh of electric power a year, reclaim 1.3 million acres of desert and end the Nile's floods. By 1974 it was still only producing 3.8 billion kwh (mainly because only a fraction of the potential power can be used). The other turbines await the new plants and industries which are for the most part still only vaguely envisioned. Much of the desert soil has proven unsuitable for reclaiming by irrigation. Freed of its silt and sediments, the Nile flows far more rapidly than it did in the past with its earthen load. Now it undercuts the bases of every bridge along the way, scours out its bed and alters its ancient pattern of flow. To prevent destruction of the three check dams downriver and the 550 bridges spanning it, ten new barrier dams costing a quarter as much as the original dam will have to be built, and soon. Many of the bridges will have to be replaced in any case.

One of the most paradoxical, bizarre results of the construction is the need for costly nitrate and phosphate plants, which are now required to make millions of tons of fertilizer to replenish natural sources that had been presented freely to man by the annual Nile floods.

The Nile's load of sediments is gone. So are the crustaceans and the fish that fed on them and supported in turn a major fishery for Egypt, 18,000 tons a year of invaluable fish protein.

The reduced total flow means reduced ground water. This will have an increasing effect on the amount of salt that accumulates in the soil. The result, salination, is a bane to farmers living near the sea or using desert soils - and Egypt has both. In Medi Hafe, a city of 75,000 and chief settlement of the northern Sudan, the people were asked, lectured, then ordered to leave their ancient city for agricultural wealth in a happy new farm community. They left - at gunpoint - only to sneak back after they saw (as their leaders had prophesied) that the lake would not reach its planned height. But the society and social fabric, poor as it was, had been torn and disrupted. To-day these people are scattered and demoralized, lives uprooted, half resettled, half refugees in their own homes.

There are other impacts, equally severe: Disease, for example. Bilharzia, a snail borne disease, is the modern plague of Egypt. No sooner

did the desert receive water from the newly-impounded Lake Nasser waters than snails followed, became infected from human sources, and bilharzia was established.

My point is not to suggest that there have been no positive results from the dam nor to blame any one group of outsiders for the problems. Rather I wish to point out the results of a thought process that feels that large scale development can solve most major problems. Most of the ecological and human disasters I have listed had been anticipated usually by specialists in areas such as anthropology, sociology, soil science, cytobiology, public health - or by the ecological generalist. But as Donald Ruggaren wrote in Science Forum, October 1971....."none of these scientists or advisors had the strength or the influence to be heard at governmental or policy levels. Meanwhile we all watch with paralysed horror while the integrating forces of human society in Africa and elsewhere come apart in the face of single-tracked ramrod solutions that erode, then erase our environment."

In other cases new dams displaced fishermen and tried to turn them into farmers overnight without success. In yet another example the people who were supposedly to benefit from a dam were flooded from their lands and forced to move to the cities where they remained a marginal group and added to the staggering urban problems.

So often one of the advantages of these projects is supposed to be the jobs they will provide for the local people. They are enticed out of their villages to work on these major projects. With all the equipment the project is finished in record time and the outsider and his technology moves away often leaving the people who have been torn from their subsistence life, partially trained in some little skill area and left with nothing to do.

Let me quote from a recent letter sent to me by a U.N. official in which he gives yet another example of a development project that ignores the impact of a large project on the local inhabitants.

"The usual tender loving care has devolved to such questions as: site location/structure/size, capacity in cubic metres of water and megawatts, generator types and phasing-in, electricity market, etc. etc. But one aspect is only now coming to light--after approval of the scheme 1,200 Amerindian families will be displaced by the reservoir. Hopefully there is time to plan, with them, for the new kind of life they can have; but, as usual, the "human planning" has to catch up with the physical/technical/economic planning."

If this has happened in so many other countries then it seems wise for the Native People to be wary of large scale development projects which are touted as being the solution to their financial worries. Large scale resource development projects may not be the panacea they are described to be. Are they the only form of development viable in the North? Are there alternative forms of development that could be viable and more useful to the Native people? The multi-national companies which are involved in large scale development projects in the Third World or in Northern Canada are

concerned with maximum profits and do not usually enjoy suggestions of alternative forms of development which suggest a slower rate or smaller scale. Developers have been slow to include local people in their project planning.

You might ask "Am I picturing all the people involved in these development decisions as villains?" Not at all. Although some are operating clearly without concern for the local society, we should acknowledge the many people in government service, in corporations or in AID agencies that pursue their work with good intentions. Why is it then that they hesitate to listen to the local people when they describe how they would solve a problem? Until this people have behaved this way in our entire life all the way from Nigeria to Roman Walls. Let us examine the forces at work here for it would appear that our concepts of development can have some close relationship to the cultural group to which we belong. The problem is that too often we do not really accept this as the basis for our disagreement.

The settlement manager who is having difficulty moving ahead with a development programme for the community may find himself asking the question. Is it their fault or my fault that things are not working? Unless he is a misanthrope he is likely to eventually conclude that it is the fault of the native people. In his mind he feels if only they were more energetic, interested and intelligent his projects would be working. Is he prepared to

face the fact that the development goals and the methods to reach them which seem reasonable to him may in fact not be reasonable to somebody of another culture?

Melville Herskovits, the noted anthropologist writes that "our models of development take for granted the universality of psychological and social responses which when comparatively and historically considered are found to characterize the pecuniary societies of Europe and America to a degree not found outside of these cultures."

Most people the world over only really understand some of the aspects of the culture they are born in. Some of us, for example, tend to see the world from the viewpoint of middle-class, English speaking Canada and are influenced largely in our attitudes, decisions and behaviour by our own history, our own traditions, and our own social and economic patterns. Too often we see our way of life as being the only logical and correct way.

For many Canadians then, the history of the world has been seen from a purely Western point of view. Global development has been interpreted largely as the history of Europe, then North America, with events in other areas too often explained purely in terms of their significance to Europeans or North Americans. The illusion has been created that world history can best be interpreted in terms of the Western experience,

that this Western interpretation is sufficient if not wholly exhaustive, and that our resulting value system embraces everything that really matters.

In recent years more and more efforts are being made to build bridges across cultures and to show people within them that illusions of racial and intellectual superiority are the product of ignorance, naivete or propaganda. In cross-cultural education work "culture" is seen basically as an adaptive mechanism. It is the way in which people have adapted to their own particular conditions in order to survive.

The many conditions involved - social, economic, physical etc. have obviously varied greatly from one society to another. The cultures which people have developed therefore also take many different forms. Customs which may seem strange to some Canadians nevertheless make very good sense to the people who use them. They are, in fact, viable alternatives to the ones we use ourselves.

A number of years ago I attended a conference on AID to the Third World held in Calgary. For two days the so-called experts kept telling each other what should be done, where it should be done and how. Finally at one point a gentleman in the audience rose and asked us if we would define our terms more clearly. Indicating that he was a biologist he explained that in his field the term AID stood for artificial insemination by donor. He wanted to know if that was what we were talking about. Well, we all had a

good laugh but the more we thought about it the more we wondered if indeed that was exactly what we were involved in.

The more we struggled with these issues the more we realized that a forced approach to development did not work very well. The change towards a different lifestyle for greater well-being and dignity cannot in the long run be imposed upon people. No matter how polite and sincere the outsider may be, development policies and forms of organization cannot be imposed from outside. It can be introduced, yes; imposed, no. I am convinced that the real dynamic for change has to come from within, and ideas from outside that they can reach, aided insistently against local wishes, will usually acquire a bad image and become unpopular, no matter how constructive and positive they might be. Packaged programmes of development, educational aid, and welfare organized outside the community are an incomplete and sometimes irrelevant solution.

Jim Lotz in his book Northern Realities writing of the differences between traditional life throughout the world and the life and values of the White Western society says: "Western man seeks money; traditional man seeks to live in harmony with his fellow and nature. Western man exceeds limits, traditional man stays within them. Western man is thing orientated, traditional man is people orientated."

Lotz's descriptions are obviously the extremities in each case but his point is "that both approaches simplified here from a million ways of being human have validity. But the predominance of Western ideas and Western models seem to have blinded some of us to the existence of alternative ways."

I have been talking a great deal about some of the problems faced by AID agencies in assisting development projects in the Third World. I should also note that the concerned people have learned from some of their mistakes. The past 10 years have seen radical changes in the way AID agencies work with developing countries. Much more responsibility for decision making on development projects have been put into the hands of the recipient. New strategies for assisting in development have been worked out. INDC, the agency for which I work is an example of this new strategy. Rather than pour in cash, INDC now have their own support for and intelligent Third World people who are working out new solutions for their own society. We accept the fact that we should be allowed to learn by making some of their own mistakes (instead of having our "wise men" dictate for them).

In case you picture this relationship as a "colonial" one in which the donor gives the money and the recipient of the AID is left alone, the reality is quite to the contrary. The recipient having undertaken to pursue some development work engages in strenuous and frank discussions with outsiders because, if we give up the concept that we know what is best for someone else's life, then we move more towards a discussion between equals.

What relationship does this have to the Native people in Northern Canada? In our misguided but well-meaning enthusiasm have some of us been involved in "artificial installation by donor"? Have some of our relationships with the Native people been a colonial style relationship, or

at least similar to the work of the AID agencies in the early days of the post colonial period when we were sure we had the expertise to solve their problems? If the Canadian government has worked out new strategies for AID relationships with Third World countries which give those countries a greater say in the relationship should we not be ready to work out new approaches for allowing the Native People to have a major influence on the course of future development in their society.

What new strategies can be developed which give them greater control over their own future? If our experience elsewhere tells us anything, it is that little can be done unless they have a high sense of their own worth with a feeling of pride for their own history, language and all that goes to make up their own lives.

No Native person I know would argue that all is well within the Native communities in the North today. Too many of their people are used to welfare, weakened by alcohol and without a clear sense of direction. Many are part of what some people would describe as the 'culture of poverty'. Oscar Lewis has written, "people with a culture of poverty have little sense of history. They are a marginal people who do not believe they can influence their environment around them to improve their life." For Natives who are in this situation, their sense of dependency must end before things are likely to improve much.

If you agree with this reasoning then perhaps it is clearer why the work of Native associations such as COPE, the Indian Brotherhood, Inuit Tapirisat and the Inuit Association are essential. Items like the Bome Declaration might be welcomed rather than feared because they deal with this sense of identity and self-worth.

If you don't understand their expressions of what the land means to them, try reading the works of some African writers. Jomo Kenyatta, in his book "Facing Mount Kenya," gives an eloquent description of the Gikuyu people's ties with the land. He writes....."the Gikuyu people depend entirely on the land. It supplies the chief material needs of life, through which spiritual and cultural enrichment is achieved. Communication with the ancestral spirits is propitiated through contact with the soil in which the ancestors of the tribe lie buried. The Gikuyu consider the earth as the "mother" of the tribe-----the soil feeds the child through life; and again at death it is the soil that nurses the spirits of the dead for eternity. -----Among the Gikuyu the soil is especially honoured, and an everlasting oath is to swear by the earth."

What Kenyatta is describing is a mixed form of individual and collective ownership in which "-----it was a man's pride to own a property and his enjoyment to allow collective use of such a property." These concepts the British either did not understand or refused to recognize and it cost them a bloody guerrilla war before they accepted it.

Here I am aiming my comments at those non-Native people who sincerely wish to do what is best for the Native people, but may have been culturally blind as to what the viable options are. Their reaction should be no surprise as our school system and many other elements of our society have led many of us to believe that European culture and its offshoots are the most important if not the only culture to which one needs exposure in order to become civilized.

We often leave our students with the impression that everything valid in North America is based on the basis of rational, logical thought. It is therefore surprising when graduates of this system often find themselves ill-equipped to deal with the given realities of the world. Their only recourse is to label the people as inferior or "geographical" they get out of touch with the common behavioral patterns.

Some have charged that the Indian Whites are racist in their attitudes towards Native people. Such charges always are inflammatory and appraise many well-meaning Whites. Most of us would acknowledge that there will be a minority in the White society who are bigoted towards other non-White groups but on a broad scale are the charges valid?

Let us recount an experience in 1971 in Trinidad where a number of "Black Power" advocates were pushing me rather hard about the racist society in which I lived. My answer to them was to say that if they had said this to me back in 1960 when I was first getting involved in this type of work, I probably would have felt sorry for them; sorry that they had had so many bad experiences that it had warped their perspective - for Canadians were not

really like that. Now I was much more prepared to accept their description of our society if we could talk a little more about what they meant by racism. For in my mind, the majority of Canadians whom they were attacking as racist would be honestly shocked to be so described. In fact, they would likely argue saying, "I am so lacking in prejudice that I am prepared to spend my time, money and energy to help you become like me." If we see this unconscious sense of superiority as being racist then, yes, I live in a racist society. And this type of racism becomes institutionalized so easily because it is unconscious.

One night in November I attended a meeting with a group of Natives, mostly from the Northwest Territories, and a number of other people. I was at the other end of the room, sitting at the back. I pushed them back to the front of the room. I was really listening to what they were saying and I thought there was not a lot of them. I was a little older than they were and I was a white-outside prince. I was prepared to make vigorous moves on issues that would affect the development of the North and who were building a political force based in the communities which could give the Natives power and would be a threat to their regimens. In other words I said to this group they are starting to do exactly what in the past you have criticized them for not doing. They are beginning to stand on their own two feet. Their independence however, I sometimes causing their good people uneasiness. At the end of our heated discussion many of my friends were honest enough to acknowledge that they had in their vague uneasiness about the Natives having a major say in Northern development to have them to some interference

remarks that had little or no foundation. The original negative reaction of these Whites is not surprising for it has occurred around the world whenever different cultural groups begin to interact in a meaningful way.

Eloquent statements have been made by some Native people about the importance to them of the land, the hunt, the conscious process, and of working according to the schedule of nature. The reaction of many Whites goes something like this: "Well, I'll live with the native people and in any case I won't change the way of life they are describing. Let them still consider the dog life as natural. Civilization will come whether they like it or not. And the love of my land will make the fruits of civilization for them. I hope to see a better world, a more stable world." The suggested solution is that they will change nothing.

The author of the book has been asking questions about the role of the hunter as an interesting activity by itself and, critically, he did so through "Guns & Hermit as The Fall Day". Berger is a sociologist whose primary focus of interest has been the Third World. He draws attention to a phenomenon which has received little attention - namely that there is in the contemporary world a very curious co-existence of a declining and a flourishing process.

He notes that although all Third World countries hold out as a part their claim to modernity, there some people also exhibit resistance to development. What is most interesting is that these resistances (which Berger prefers to call "doomed resistance") increase rather than decrease as so-called

development in these countries progresses. This process is not limited to the Third World. In recent years we have seen the forces of modernity and counter-modernity co-exist and conflict in a variety of cultural situations including most of the urban centres of North America.

A discussion of what is often by modernity could be an endless one but where else could it be it is stated in the transformation of human life brought about by the technology of the last few centuries. Thus, even though the influence of technological inputs in Northern development is a valid argument of the Third World. It transcends the issue of technology as a part of development and is a more direct control to their living standards and the quality of life.

Despite the fact that the rate and scale of development, the rate of technological change and the methods for introducing it, has become a crucial factor to millions of people and many governments. The International Development Research Centre has supported a network of Third World research centres studying aspects of this question and the University of Sussex, England has a Policy Research Unit which focuses on the issue of technology transfer for development throughout the world. You may be interested in the reactions I received when I raised with some of these people the concern of modern natives over the nature of development. They saw immediate similarities with the situation in the Third World. They described how, during the 1960s, which were used in the mid-1960s which led to the celebration of 95 per cent of the world's research and development being done in the developed countries - of which

You may say that all this has been far too vague to have any impact. The point I am making is that this is the procedure that has been followed by Third World peoples in their relationship with the developed world. It started with a plea which became a cry of anger and eventually became embodied in the detailed bargaining underway now in the various committees dealing with the request for a New International Economic Order.

Based on developments that have evolved in the Third World in recent years my closing argument is that there is reason to believe that it is possible to establish a technical basis of Indian productive activity that:

- (a) allows a 'richer life' than that based exclusively on the 'traditional' hunting/trapping/fishing mode of production;
- (b) is consistent with being able to continue to obtain the components of a 'richer life' without having (and only being) dependent on the 'traditional' mode of production as the basis of their subsistence;
- (c) is consistent with being able to obtain the components of a 'richer life' without having to depend on the 'traditional' mode of production as the basis of their subsistence;
- (d) is consistent with being able to obtain the components of a 'richer life' without having to depend on the 'traditional' mode of production as the basis of their subsistence;
- (e) allows a life that is 'richer' than that generated by the technical basis of the mode of production that the Indian people have been able to obtain (without) either to accept within their society, or to bring the themselves with outside (or on the borders of) their society;
- (f) must not be static, but must be able to evolve, and even allow increasing human productive activity in the rest of the world - if only in the increasing integration of this type of development by the Indian people.

Returning to the earlier point about modernization, one can argue that it has produced an abstract society. The Mexican 'Campesino' experiences this abstraction as an assault on everything he previously took to be reality (including the reality of his very self) - a process which Peter Langner explains holds both a promise of liberation and a threat of disorientation and disintegration. The the consciousness of the Western World towards the experience of people in underdeveloped countries has been one of sympathy and concern, but it is one thing to feel sympathy and another to understand. One of the defects of the process of modernization is that it has produced a society in which the individual is alienated from his own culture and from his own people. This is a process which is not only a threat to the individual but also to the community. The process of modernization is a process of abstraction, and it is this abstraction which is the source of the alienation and disintegration.

One of the main reasons for the failure of modernization in underdeveloped countries is that it is a process of abstraction. It is a process which is not only a threat to the individual but also to the community. The process of modernization is a process of abstraction, and it is this abstraction which is the source of the alienation and disintegration. The process of modernization is a process of abstraction, and it is this abstraction which is the source of the alienation and disintegration. The process of modernization is a process of abstraction, and it is this abstraction which is the source of the alienation and disintegration.

The problem is there that it is not. When, in the development of Third World people, the different conditions of the world can things be done differently from the Western world? There are many alternatives and there are many different ways to do it. I have heard from the native people is a call for the development of a new system of education, a system of education which is not only a threat to the individual but also to the community. The process of modernization is a process of abstraction, and it is this abstraction which is the source of the alienation and disintegration.

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Indian Brotherhood of the Northwest Territories
Metis Association of the Northwest Territories

"Native Land Claims and Mineral Resource Implications"

Statement of evidence of
ANDREW R. THOMPSON
before the
MACKENZIE VALLEY PIPELINE INQUIRY
YELLOWKNIFE, N.W.T.

April, 1976

DIRECT TESTIMONY

of

Dr. Andrew R. Thompson,
Professor of Law,
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1. The proposed pipeline that is the subject of this inquiry is simply a mechanical system for delivering natural gas produced in the Mackenzie Delta and elsewhere to markets in southern Canada and the United States. Its justification can be established only in terms of benefits derived from the exploitation of this natural resource. In my evidence I will address the questions of who should benefit and what form the benefits should take. It must be clear that I am not stating a Dene position, and that my conclusions are based entirely on my studies of the history of natural resource developments in Canada and elsewhere and my knowledge of the laws governing the ownership and development of natural resources in the Northwest Territories.

2. My conclusions are:

- (i) The peoples traditionally resident in a region are those entitled to benefit from the development of natural resources. This entitlement is based on both political and legal rights.

(ii) The direct and indirect benefits flowing from the ability to control natural resource developments are equally as important as financial benefits derived from royalties, taxes, etc.

(iii) A settlement of native land claims provides an opportunity to ensure that native peoples in the Northwest Territories who are the traditional residents will be the beneficiaries of natural resource developments in the region through the direct and indirect benefits that will flow from a suitable definition of political and legal rights with respect to natural resources in the terms of settlement.

(iv) A settlement of native land claims must be achieved prior to the approval of natural resource developments if this opportunity is to be realized.

3. In political terms, control over natural resources has been an issue of colonialism from the earliest times.

I quote from a lecture I delivered in Yellowknife in February, 1969:

History repeats itself - sometimes like a broken sound track! From the time of the Constitutional Act of 1791, which established Canada's first legislative assembly after the cession of Canada to Great Britain, until the Act of Union of 1840, - a period of 50 years when a system of responsible government was evolving for the colony of Canada - an increasing and oftentimes bitter conflict grew

over control of natural resources. Colonists demanded that the Governor answer to the colonial assembly for his dispositions of Crown lands. The conflict was summed up in a report by Charles Buller to Lord Durham that the Crown lands were 'in name the property of the Crown, and under the control of an English minister; while the Assembly claimed that the administration of the Crown lands ought to be entrusted to ministers responsible to the Assembly, and that revenue arising therefrom ought to be under the control of the representatives of the people'. Substitute 'Council' for 'Assembly' and there's a familiar ring to this claim. But it was made in 1838, not 1968, and it was granted by the Act of Union, 1840.

In 1852, by the Imperial statute 15 and 16 Vict. c. 39, this claim, won by the Canadian colonists, was given formal recognition throughout the British colonies. The statute of 1852 declared that all 'monies arising from the sale or disposition of the lands of the Crown in any of Her Majesty's colonies or foreign possessions' would no longer accrue to the consolidated revenues of Great Britain. The Colonial Office would say, when dealing with the surrender of Rupert's Land by the Hudson's Bay Company in 1869, that 'It is clear that colonists of the Anglo-Saxon race look upon the land revenue as legitimately belonging to the community.' Accordingly, when responsible government was granted to the Australian colonies, to New Zealand and to Newfoundland, the arrangement took the form of a grant by Great Britain of full rights over the lands in exchange for the colony undertaking the duties and obligations of self-government.

This ordering of affairs was quite naturally continued at Confederation. The British North America Act, 1867, provided, by s. 109, that each of the four confederating provinces, Upper Canada, Lower Canada, New Brunswick and Nova Scotia, would retain ownership and control of its natural resources. When British Columbia joined Canada in 1871, it was taken for granted that it would retain its natural resources. The principle was carried so far that the stumbling block which kept Prince Edward Island out of Confederation until 1873 was

the fact that all its lands had been alienated in earlier times by the British governor of the colony, and Prince Edward Island would not come to terms until it was agreed that Canada would pay the new province a sufficient sum of money to enable it to buy back its lands from absentee British owners. Again, when Newfoundland entered the Dominion as a province in 1949 it kept its land and mineral resources.

4. In the international context, control over natural resources has been an aspiration of underdeveloped countries almost from the inception of the United Nations, finding formal recognition in U.N. Resolution No. 1803 (XVII) of December 14, 1962. I quote from my Yellowknife lecture:

. . . sovereignty over natural resources by the people of any region is today recognized as a precept of international law derived from the resolutions of the United Nations. I will quote from Resolution No. 1803 (XVII) of December 14, 1962. This resolution contains the declaration that:

. . . the rights of peoples freely to use and exploit their natural wealth and resources is inherent in their sovereignty and is in accordance with the Purposes and Principles of the Charter of the United Nations

That this right is intended to be afforded, not merely to states as technical and legal entities, but to peoples as inhabitants of a recognizable geographic region, is clear in the writings of international lawyers and jurists. Therefore, one must conclude that the long-established precedent of British colonialism whereby the inhabitants of a self-governing region are given control of their natural resources is today recognized as a precept of international law, applicable to all peoples everywhere who can assert a right to self-government.

5. The significance of the drive for national sovereignty over natural resources by the underdeveloped countries became clear to countries like Canada during the 1973 oil embargo imposed by the OPEC countries. The legal background to this OPEC action is explained by Dr. Hasan Zakariya, Chief of the Legal Department of OPEC until 1965, in an article entitled "Sovereignty, State Participation and the Need to Restructure the Existing Petroleum Concession Regime", prepared in 1971 and published in 1972 in Vol. X, Alberta Law Review, 218-231. At page 222, he described the deficiencies of the legal arrangements in the early concession agreements as follows:

Participation in the Management

The exporting countries have not only been unduly prevented from obtaining a meaningful share in the equity ownership in the majority of the conventional concessions, as has been shown, but partly as a result of this, have also been denied any effective participation in the actual management and control of the various operations of the concession.

At page 224, he explained what the Middle East states hoped to achieve by new forms of agreement with the oil companies:

It is, of course, at once clear that ownership participation in the concessions would certainly increase the state's share of profits. By becoming a partner in a very lucrative enterprise, the state would naturally be entitled to receive - in addition to royalties, taxes and the other benefits which are already accruing to it - a share of the annual dividends in accordance with normal business practice. Although such an increase in the revenues is of itself sufficient reason for desiring state participation, there are other intangible advantages to be derived from it in the long term.

. . . By enabling their experts to play an active and direct role in the various day-to-day aspects of petroleum operations, the exporting countries concerned would acquire first-hand experience in these matters which would prove invaluable in facilitating the task of eventually taking over these operations completely, upon the expiry of the concession or perhaps even before that date. Moreover, by taking an effective part in the actual management of the whole enterprise, which participation would entitle it to do, the country concerned would at least enjoy the same privileges as the foreign concessionaire in directing the way in which petroleum resources are to be utilized and in shaping the policies to be pursued in both the short and long term.

All these are vital aims which transcend the mere raising of government revenues. The legal measures taken to attain these aims should of course be of such a nature as to guarantee their realization in the shortest possible period of time.

In these passages, Dr. Zakariya is identifying the benefits of direct participation in the management of petroleum developments in terms both of the financial return to the state and of the political and cultural goals of its peoples. The parallel for native peoples in the Northwest Territories is that financial returns from oil and gas development can provide the funding for social and cultural programmes and participation in management can give the native peoples both a voice in the decisions of natural resource developers and training opportunities to enable them sooner to manage on their own the land rights provided in the land claims settlement.

6. It is my opinion that the history of the management of natural resources demonstrates conclusively that there is an abiding concern by the people of a region as to when, how, by whom, and for whose benefit natural resources are to be developed and that countries ignore this concern at their peril. The key to a just and lasting settlement of native land claims will be the arrangement made for the management of natural resources. Because mineral resource developments loom so large in the north, management of mineral resources is a critical element in any scheme for the management of natural resources.

7. When the prairie regions of Canada attained provincehood (Manitoba, 1870; Alberta and Saskatchewan, 1905), the British colonial precedent whereby self-governing regions were given control over natural resources, and the precedent of confederation, whereby the founding provinces of Ontario, Quebec, New Brunswick and Nova Scotia, and later, the provinces of British Columbia and Prince Edward Island, were given ownership and control over natural resources, were ignored, and the Dominion of Canada retained ownership and control.

In my 1969 Yellowknife lecture, I stated:

These precedents reaped bitter years in the beginnings of the prairie provinces - years that leave a residue of prairie chauvinism which manifests itself today when issues of national unity arise. This bitter feeling toward the imperialism of eastern Canadians

finds expression in writings of the times - I refer to A. Bramley-Moore, writing in 1910. His title is 'Canada and Her Colonies or Home Rule for Alberta'. I also refer to Chester Martin's book 'The Natural Resources Question', published in 1920 as an official study for the Province of Manitoba. I have borrowed heavily from this work, which pleads Manitoba's case fifty years after formation of the Province for transfer to it of ownership and control of its natural resources. This book profoundly affects me because of its political and moral implications. Canada's disunities today are built on inequities of yesterday. I cannot lightly bear the thought that one day the northerner will condemn me, a southerner, for fifty years of exploitation of the resources he rightfully considers his own. I do not want to hear the northerner of the future say of the Territories, as Chester Martin had to say of Manitoba, that the years which followed provincehood were the most humiliating in its history. I quote: 'The province struggled courageously under financial responsibilities which, despite an economy verging upon abject parsimony, were utterly beyond the powers of the Provincial Treasurer to meet from the resources at his disposal.' I cannot believe that Canadians, who are today so conscious of the need for national unity, can callously contemplate the prospect that northerners will one day take up the chorus of disunity because we abuse their birthright today.

8. In 1930, the Dominion of Canada transferred ownership and control of natural resources (or, more accurately, what was left of them after years of outright alienation of surface and mineral rights by the federal government) to the prairie provinces. In my Yellowknife lecture in 1969, I advocated that the historical, legal and political precedents require that ownership and control over natural resources be transferred to the regions of the Yukon and Northwest Territories when

these regions are given provincial status and that, meantime, the Parliament of Canada should declare the federal government to be a trustee of these natural resources for these future provinces, and should enact legislation for sharing management of these resources with the regions.

9. Since 1969, my perceptions have broadened to include an awareness of the land claims of the native peoples. As the traditional residents of the region, they enjoy the political claim to control natural resources under international law and under British and Canadian constitutional law that I have outlined in the preceding paragraphs. In addition they have, in my opinion, a legal claim to such control under the doctrine of aboriginal rights.

10. I will now explain the kinds of interests in mineral resources that are legally recognized and the kinds of management rights that these interests confer.

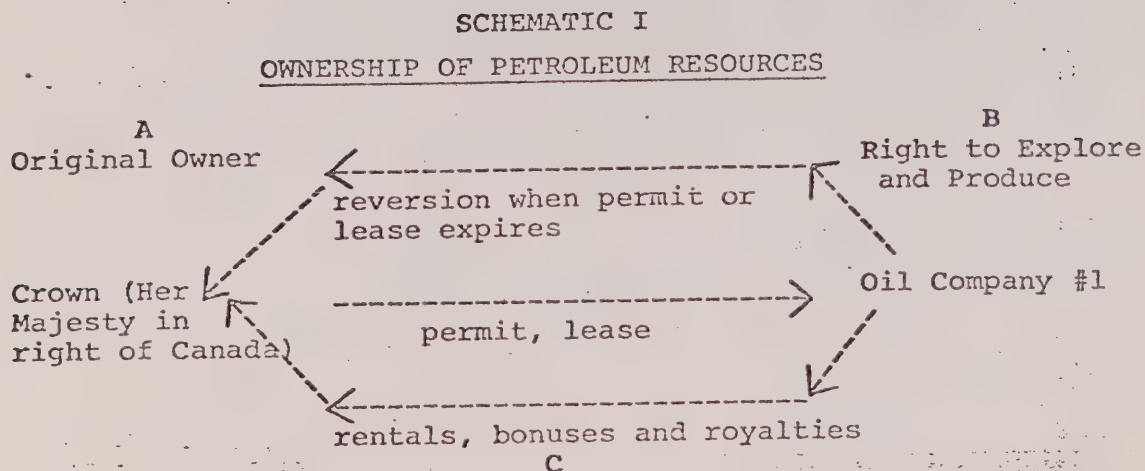
11. In the Northwest Territories, natural resources, including minerals both onshore and offshore, are owned in the absolute sense by Her Majesty the Queen in the right of Canada. Minerals are managed by the Oil and Minerals Division of the Economic and Development Branch of the Department of Indian and Northern Affairs. Development rights to oil and gas are granted by Her Majesty to oil companies under the Canada Oil and Gas Land Regulations through a system of permits (for exploratory work including drilling) and leases (for development

drilling including production). Exploratory rights for hard minerals are acquired by staking under the Canada Mining Regulations. Claims are converted into mining leases before any actual development takes place. Both oil and gas rights and hard mineral rights are granted subject to work stipulations, and payments to the Crown in the form of rentals and royalties. Most known hard mineral deposits in the Northwest Territories have been staked or are subject to mining lease. The sedimentary regions of the Territories, where oil and gas are prone to occur, are blanketed by subsisting oil and gas permits and leases. I have explained the oil and gas leasing system more fully in Canada's Petroleum Leasing Policy - A Cornucopia for Whom?, published by Canadian Arctic Resources Committee in 1973.

12. Since the exercise of these exploratory and development rights requires the use of surface lands for access, for drilling and mining sites, and for infrastructure, the regulations governing the issue of claims, permits and leases confer the right to use the surface for operations. The exercise of these surface rights is governed by Land Use Regulations for off-location operations, by Oil and Gas Drilling and Production Regulations for oil and gas well locations, and by special development agreements for mine sites such as Pine Point.

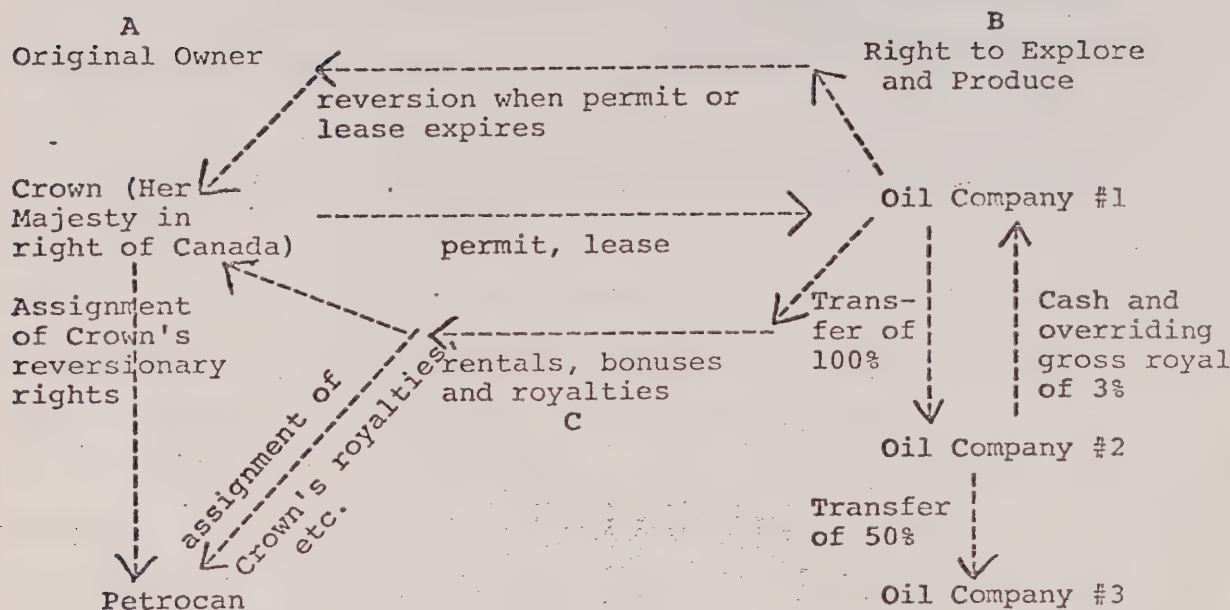
13. The pattern of ownership of petroleum resources in the Northwest Territories can be shown schematically. Ownership

of hard minerals shows a similar pattern:



14. A striking characteristic of Canadian property law is that all of the rights characterized by A, B and C in the schematic can be the subject of independent ownership and control contemporaneously and each owner can transfer his ownership to another and can even divide this ownership into further parts capable of independent contemporaneous ownership. Thus, in the case of a parcel of land in, for example, the Pointed Mountain region, the schematic could appear as follows:

SCHEMATIC II
OWNERSHIP OF PETROLEUM RESOURCES



In this hypothetical case, the current ownership pattern is that Petrocan has taken the place of the Crown as residual owner and owner of the royalties, etc., payable under the permit and lease. Oil Companies #2 and #3 have joint operating rights of 50% each and Oil Company #1 has an overriding gross royalty of 3%.

15. A typical petroleum property in Canada will reveal a much more complicated ownership pattern than is shown in Schematic II, with as many as 50 or 60 separate companies and individuals owning interests of one kind or another in the same parcel. The point is that Canadian law is sufficiently flexible to permit many different kinds of ownership interests to subsist at the same time.

16. Property rights can usefully be classified in three categories: (1) the right to sell; (2) the right to manage; and (3) the right to receive revenue from the land. In Schematics I and II, the property rights shown as A and B include both the right to sell and the right to manage, and the exercise of either of these rights may result in the right to receive revenue. The property rights shown as C are limited to the right to receive revenue. Therefore, for a settlement of native land claims to confer management rights over mineral resources, property rights of the types shown in A and B must be conveyed to the native people.

17. The Crown can transfer A-type rights in a number of ways. As to certain lands, the transfer could be outright so that the native people (or their development corporation) replaces Petrocan in our hypothetical case shown in Schematic II. Or the Crown could transfer only a fractional interest such as 25% or 50% or any other percentage to the native people. In

such event, the Crown and the native people would be joint owners. Should the Northwest Territories become a province, or two provinces, the retained interest of the Crown would change from an interest held in the name of Canada to an interest held in the name of the new province. If it were thought desirable, the fractional interest of the native people could be subject to restrictions on the right to sell except in the case of a joint disposition made by the Crown and the native people together. It must be realized that if the Crown has already granted oil and gas permits and leases to oil companies (as is mostly the case), the A-type rights that it transfers to the native people are subject to these permits and leases, and are therefore only residual. However, the permits and leases confer a number of important management rights on the Crown, of a discretionary nature, such as the discretion to renew permits, in addition to C-type rights such as rents and royalties. The native people would share these rights once they became owners of a fractional interest jointly with the Crown. Should the permits and leases terminate, the native people if 100% owner, or the native people and the Crown together if joint owners of fractional interests, would have the right to develop the minerals in any manner they wished, or leave them undeveloped.

18. B-type rights could be transferred by the oil companies to the native people in a variety of ways so as to give the

native people a voice in development and operating decisions. It is this kind of joint venturing arrangement that Dr. Zakariya is advocating in the name of state participation, the benefits of which he describes in the passage quoted previously (pp. 5-6). Joint venturing is commonly practised in the oil and gas industry, with one joint venturer designated as operator and the others having prescribed management rights. In most state participating agreements and in some joint venturing agreements between private parties, the state or a private party is a "carried party" -- one who is not obligated to contribute to exploration costs and therefore avoids the exploration risk. In these agreements, the "carrying party", if the venture is successful in finding oil or gas, is entitled to recoup all his exploration expenditures before he and the carried party begin to share in production revenues. It is conceivable that oil companies would accept a native development corporation as a carried partner, being compensated in a land claims settlement for the diminution of their present interest, so that the intangible advantages described by Dr. Zakariya could accrue to the native people, with the industry gaining through an improved climate of understanding and acceptance of their operations.

19. No one type of native ownership interest need prevail throughout the Northwest Territories. Interests of increasing or diminishing management rights, or interests which maximize

revenues from mineral production, can be matched to the priorities on which the government of Canada and the native people agree.

20. So far I have been describing how ownership interests in mineral resources can confer rights

(i) to receive revenues from, and

(ii) to exercise management rights over

the development of these resources. If Canadians are prepared to make a settlement of native land claims that gives due recognition to the legal rights of native peoples, the Canadian system of property law provides the means to do so.

21. Rights to receive revenues and to control development can also be conferred by legislative provisions such as a requirement that the government turn over to native peoples a portion of royalties and taxes received from mineral development (the Alaska settlement), or a requirement that no mineral development take place unless the native community gives its consent in advance (Indian reserve lands in Canada). Probably a land claim settlement would include a mixture of legislated rights and ownership rights to achieve the agreed goals of giving the native peoples in some cases a right to veto developments, in other cases a right merely to receive a share of resource revenues, and in others an opportunity to be a partner in development with an oil or mining company or to develop the resources themselves.

22. I will conclude this direct testimony by a brief analysis of the land claims settlements achieved in Alaska and in northern Quebec and proposed for "Nunavut" by the Inuit Taparissat of Canada insofar as they relate to mineral resources. I will also refer to the rules governing petroleum leasing of Indian Reserve lands in southern Canada and to the proposed settlement of aboriginal land claims in Australia.

Alaska

The native people receive full ownership of mineral rights, subject to existing rights, in the lands to be allotted to the Village and Regional Corporations comprising approximately 40 million acres. These rights are of the A-type and confer the right to manage, but the right to sell is specially restricted for a period of twenty years. In addition, as part of the compensation for the surrender of aboriginal rights, the native people are to receive payments equivalent to a 2% gross royalty from mineral revenues in Alaska over a 20-year period up to a maximum of \$500 million.

Northern Quebec

Under the James Bay Agreement executed on November 11, 1975, lands in the region are divided into three categories. Category I lands, comprising approximately 2,158 square miles, are set aside for the James Bay Crees and the Inuit of Fort George (5.1.1). Quebec remains the owner of minerals in these lands (5.1.10). Where there are existing mineral claims

covering lands within the areas of Category I lands, these mineral claim lands are excluded from Category I (5.1.5) and designated Category III lands, which are those in the region which remain public lands of Quebec unaffected by native rights (5.3.1). Category II lands, comprising 25,130 square miles, provide native persons with the exclusive right of hunting, fishing and trapping (5.2.1) subject to mineral exploration (5.2.5) and to special restrictions on mineral development (5.2.3). With respect to minerals in Category I lands that are not subject to existing claims, it is contemplated that mineral development may take place, but only with the consent of the affected community on the payment of compensation (5.1.10). By a supplementary agreement made on the same date as the James Bay Agreement, the Council of Crees acknowledges that the James Bay Development Corporation will explore for minerals in Category I lands and the Corporation undertakes to expedite its exploratory work around the settlements of Rupert House, Eastmain, Fort George and Mistassini, and to abandon its exploration and development rights if negative results are obtained.

Because, in the Cree territory, practically all potential mineral sources are covered by claims or development permits, the potential for benefit to them from mineral development is very slight, with the possible exception of the Mistassini Reservation. It should also be noted that

mineral explorers and developers can exercise surface rights even over Category I lands if necessary to exploit their mineral claims (5.1.6(c)).

In the Agreement in Principle, the native people sought to benefit from the exploitation of minerals through a provision for royalties reading as follows:

In addition, the Native people shall also receive payments of sums, in an amount not less than 25% of the sum of the royalties or equivalent benefits such as mining duties, to be detailed in the Final Agreement, which Quebec is entitled to receive from all future development in the Territory over the next 50 years, excluding hydro-electric development. However, the said sums will be paid, in respect to each development which begins within the said 50 years, only for the first 20 years of such development.

However, such a royalty provision was not accepted and, instead, the final James Bay Agreement provides that, in exchange for renunciation by the native peoples of claims to royalties, mining taxes, etc., Quebec will pay an additional \$75,000,000 plus interest by the issuance of five series of bonds of the province maturing 20 years after their respective dates of issue in each of the years 1975 through 1979 (25.2). In effect, the James Bay Agreement confers only a right to receive a lump sum payment for the exploitation of mineral resources, with only a limited right to control development through the requirement of an agreement of consent.

Nunavut

Under the proposal for settlement dated February 27, 1976, the boundaries of the new Inuit territory would include the sedimentary basins of the Mackenzie Delta, the Beaufort Sea and the high Arctic which have high potential for petroleum development. It would also include a substantial portion of the pre-Cambrian region northeast of Hudson's Bay and Baffin Island, both of which have potential for hard mineral developments. In these regions the Inuit claim ownership in fee simple of 250,000 square miles down to 1500 feet below the surface. Existing petroleum and mining rights in these Inuit lands would be confirmed except that their duration would be reduced to their first term (no renewal) or 15 years, whichever is less, and, as to 50,000 of the 250,000 square miles, the communities could require the government to extinguish existing rights for compensation or subject their exercise to special conditions. Following a moratorium on leasing and staking while the Inuit lands are selected, petroleum and mining development could take place on the Inuit lands under federal laws but only subject to an "agreement for consent" by the community which could include wide-ranging provisions for social and economic development together with fixed royalties. In result, the Inuit would have a veto power and extensive management rights over any development allowed to take place. With

respect to minerals occurring at the surface or down to a depth of 1500 feet, the fixed royalties would be those stipulated under the federal petroleum and mining laws and would be paid by the developer to the federal government which, in turn, would account for the royalties to the Inuit. Royalties would be defined to include all forms of revenue under petroleum and mining leases, including rentals, bonuses, gross royalties and net proceeds payments, and in the event these revenues were less than 10% of a reference value, defined as the true market or competitive value, the federal government would pay the deficiency to the community. With respect to minerals occurring below 1500 feet under Inuit lands, the royalty would be fixed at 3% of the reference value. In addition, while there would be no control over petroleum and mining outside the Inuit lands, the 3% royalty based on reference value would also be payable on all mineral production below 1500 feet under the remainder of Nunavut and under the seabed extending from its boundaries so far as Canada's jurisdiction extends.

Petroleum Leasing of Indian Reserve Lands

A task force was appointed in 1972 under the chairmanship of Dr. Arthur Irwin, then Chief of Indian Minerals in the Department of Indian Affairs and Northern Development, to review the federal Indian Oil and Gas Regulations (SOR/66-300) which apply to Indian reserves in which the oil and gas rights

have been released to the Crown pursuant to the Indian Act for administration on behalf of the Indian people. I was appointed a member of this task force as an independent consultant. The chief concern expressed to the task force by representatives of the Indian people was lack of participation in development decisions. Consequent on the report of the task force, a new Indian Oil and Gas Act (S.C. 1974, c. 15) was enacted. Section 7(1) of the Act stipulates that "the Minister, in administering this Act, shall consult, on a continuing basis, persons representative of the Indian bands most directly affected thereby".

23. My final comment is that surface ownership of land without mineral ownership is often of little value. Pre-existing mineral ownership carries preemptive surface rights, as the James Bay Agreement clearly shows, so that the surface owner will invariably have to give way to the desire of the mineral owner to exploit his rights. The issue of land use permits under the Land Use Regulations, despite the opposition of native communities, is another example of the preemptive character of pre-existing oil permits and mineral claims. This subservience of the surface owner is often economic as well as legal, particularly in the north, because the speculative value of an unproved oil or mineral tract normally exceeds its use for traditional hunting, fishing and trapping purposes and its value

for the exploitation of a proven oil or mineral resource invariably exceeds other economic uses of the land. The result of these legal and economic imperatives is that a land settlement must confer management rights over minerals either by legislation or through ownership if the integrity of the surface rights granted by the settlement is to be ensured. The proposed Inuit settlement would ensure this integrity of surface rights by the requirement of "agreements of consent" to mineral developments, save as to existing rights. In the case of existing rights to minerals, integrity of surface rights would be ensured as to one-fifth of the Inuit lands, by the requirement that these existing rights be extinguished for compensation with ownership down to 1500 feet transferred to the Inuit community corporations. Thereafter the corporation would control development of minerals down to 1500 feet through ownership and below that depth through the legislated requirement of an agreement of consent.

24. In support of my contention that a land claims settlement must confer management rights over minerals if the integrity of surface rights is to be ensured, I refer to the Second Report, April 1974, of The Aboriginal Land Rights Commission (Australia). The Commissioner, the Honourable A.E. Woodward, quotes the words of counsel for the Aborigines as follows:

'It was clear from our instructions that the title to be given to the Aborigines in respect of their traditional land must include the absolute right to all both on and in the soil itself including all minerals as well as gas and oil. This is a matter of particular importance to the Aborigines. We believe that any attempt to compromise in relation to this question of mining or minerals may largely undo the benefits of granting to them ownership of their land. To grant to Aboriginal communities with the one hand a title to their land and to take from them with the other the capacity to regulate or prevent the entry upon that land of other persons to conduct what may turn out to be extensive mining operations, may be to largely destroy the rights being given.'

The Commissioner accepted this submission, recommending that while minerals and petroleum on Aboriginal lands should remain the property of the Crown, the Aborigines should have the right to prevent exploration for them on their traditional lands (§708(i), (ii), p. 127). Should the Aborigines wish exploration to proceed, their consent would be required (§708(ix) and they would be free to negotiate such matters as exploration payments, royalties, joint venture interests, protection of sacred sites, Aboriginal employment and the setting up of appropriate liaison arrangements between Aborigines and the company (§708(x), (xi)).

APPENDIX A
WITNESS RESUME

Andrew Royden Thompson

Present position: Chairman, British Columbia Energy Commission

Education: LL.B, 1948, University of Manitoba
LL.M, 1954, University of Toronto
J.S.D., 1967, Columbia University

Professional experience: 1949-50 - Lecturer, University of Toronto
1950-53 - Assistant Professor, University of Alberta
1953-57 - Editor & author, Butterworth's, Toronto
1957-62 - Associate Professor, University of Alberta
1962-69 - Professor, University of Alberta
1969-present - Professor, University of British Columbia
1973-present - Chairman, British Columbia Energy Commission (on leave from U.B.C.)

Relevant litigation:

1. Counsel in In Re Paulette (Supreme Court, N.W.T.), 1973.

Professional affiliations: Member of the bars of Manitoba, Alberta, and the Northwest Territories.

Other affiliations: ~~Faculty~~ - Faculty Association, U.B.C. (Treasurer, 1970-71)
- Association of Canadian Law Teachers (President, 1970-71)
- Canadian Bar Association

- Director, Canadian Petroleum Law Foundation
- Member, International Council on Environment Policy, Law and Administration, International Union for the Conservation of Nature and Natural Resources
- Member, Advisory Committee on Arctic Development and the Environment, Arctic Institute of North America
- Chairman, Canadian Arctic Resources Committee
- President, Arctic International Wildlife Range Society
- Trustee, National and Provincial Parks Association of Canada
- National Director, Canadian Nature Federation

Publications: - General Editor, Butterworth's Ontario Digest
 General Editor, Petroleum Law Supplement,
 Alberta Law Review, 1964-68
 Co-author, Lewis and Thompson, Canadian Oil
 and Gas, 3 vol.

Also many major and minor articles dealing with legal aspects of hydrocarbon development, the environment, and northern Canada.

APPENDIX B

List of reports, etc., referred to or relied on

Thompson, A., "Sovereignty and Natural Resources - A Study of Canadian Petroleum Legislation", (1969) 4 U.B.C. Law Review 161

"Petroleum Land Policies - Alaska and Northern Canada", (1969) 4 U.B.C. Law Review 227

Zakariya, H.S., "Sovereignty, State Participation and the Need to Restructure the Existing Petroleum Concession Regime", (1972) 10 Alberta Law Review 218

Thompson, A., and M. Crommelin, "Canada's Petroleum Leasing Policy - A Cornucopia for Whom?", Canadian Arctic Resources Committee, March 1973.

Indian Brotherhood of the Northwest Territories
Metis Association of the Northwest Territories

"The Meaning of Underdevelopment"

Statement of Evidence of

MEL WATKINS

before the

MACKENZIE VALLEY PIPELINE INQUIRY

YELLOWKNIFE, N.W.T.

June, 1976

Mr. Puxley, in his evidence, explains the meaning of "Development". Mine is titled "The Meaning of Underdevelopment".

The Applicants, Arctic Gas and Foothills, assert in effect that the proposed gas pipeline provides a new opportunity for northern native people. The form that opportunity is alleged to take is the increased potential for wage-employment. They point to the extent of present unemployment among native people as evidence of the need for this opportunity, though they presumably overestimate this to the same extent as they underestimate the number of active hunters, fishers and trappers. In any event, they have some difficulty squaring this latter assertion with the extent of prior job-creating projects, notably in mining, but resolve the matter by insisting that the pipeline will constitute a break with the past. They emphasize that the jobs created in the operations phase, but not of course in the construction phase, will be permanent rather than transitory -- though, again, they beg the question of how this is different from mining, as well as the question of how permanent is permanent. Finally, they appeal to the training program. They are right to do this, since it would appear to be the only novel feature of the pipeline relative to prior development, though it is certainly a moot point whether such a modest program can reasonably bear the weight of constituting a break with the past.

Beyond such specifics, the Applicants further assert that to the extent that there are problems, or "costs", they, or the Government, will minimize them or otherwise deal with them. What is being asserted, then, is good intentions on the part of corporations and the government.

Next, the Applicants assert their respect for native land claims, and urge both the native organizations and the government to settle them so that their projects can proceed. They appear to assert that a pipeline prior to a land settlement will not prejudice

the claim, though they simultaneously pretend not to know what the claim is really about in the absence of specific details. They refuse to accept the Dene position that a pipeline can under no circumstances be started prior to a land settlement. They do not appear to have responded to the assertion that the Dene land claim is centrally about the political, and human, right to alternative development.

Finally, the Applicants assert that, notwithstanding the rights of northern native people, their first obligation is to serve the "public interest" or "national interest", as defined either by themselves or by the Government of Canada.

If we are to evaluate these assertions, and consider the probable impact of a pipeline, we need to know something about:

1. the nature of past development and the present condition of native people;
2. the nature of the contemporary corporation and the state and their actual track record (by way of evaluating the credibility of statements of good intentions);
3. the nature and extent of the land claim, or the nature of alternative development, both for their own sake and for the purpose of assessing prejudice to the claim, (with it being borne in mind that my observations on the possible nature of alternative development are necessarily speculative since only the Dene can decide what kind of land settlement is acceptable to them and what kind of society they wish);
4. the nature and extent of the public interest relative to the native interest.

At the same time, we can speak to the positive assertions of the Dene: that they own 450,000 square miles of land; that their title to the land should be recognized rather than extinguished; that their aboriginal and human rights transcend property rights to include political rights, namely, the right to self-determination as a nation; that their desire for economic independence can be met by creating alternative community-based economic development under their control; that further development, and particularly the proposed pipeline, threatens gravely to prejudice the land claim by eroding their aboriginal and human rights.

Past and Present Development

The first notion of which we should disabuse ourselves is that what the Applicants have in mind for the North is novel from any historical perspective. Quite the contrary. The history of Canada, as written by the greatest of our historians, is as a succession of staple exports from successive geographic frontiers to serve the needs of more advanced industrial areas. The great export commodities have been fish, fur, square timber, lumber, wheat, pulp and paper, minerals, and oil and gas. The consequences for Canada have been profound:

"Energy has been directed toward the exploitation of staple products and the tendency has been cumulative...Energy in the colony was drawn into the production of the staple commodity both directly and indirectly. Population was involved directly in the production of the staple and indirectly in the production of facilities promoting production. Agriculture, industry, transportation, trade, finance, and governmental activities tend to become subordinate to the production of the staple for a more highly specialized manufacturing community." (H.A. Innis, The Fur Trade in Canada)

And again:

"Concentration on the production of staples for export to more highly industrialized areas in Europe and later in the United States had broad implications for the Canadian economic, political and social structure. Each staple in its turn left its stamp, and the shift to new staples invariably produced periods of crises in which adjustments in the old

structure were painfully made and a new pattern created in relation to a new staple. (Innis, Empire and Communication)

The methodology of this so-called "staples approach" is directly helpful to us in considering the matter of "impact" which is centrally before this Inquiry. The impact of the proposed pipeline is simply the "stamp" of the oil and gas industry on Canada in general and the North in particular. The North is experiencing "the shift to a new staple"; the result is a "period of crisis" and of "painful adjustments".

What is the impact of a staple? Firstly, all of the staple trades have in common a bias towards serving the needs of more advanced metropolitan areas -- once France, then Britain and now the United States. This is clearly relevant when we are told, as in the present case, that the Dene interest must yield to the higher national interest. Not only is the hinterland interest being made subservient to the national interest, but by some sleight-of-hand the national interest is equated with the metropolitan interest. Secondly, each staple leaves its particular stamp. Two great staple trades have dominated the North, the fur trade and now, increasingly, minerals (mining and petroleum, the economic characteristics of which are the same, that is, the highly capital-intensive exploitation of non-renewable resources). These two staples have had profoundly different impacts on native people.

But first we need to retreat for a moment and see how the aboriginal people fit, in the most fundamental sense, into this approach to the story of Canadian development, past and present. Innis makes the essential point, at least implicitly, when he writes "Fundamentally the civilization of North America is the civilization of Europe...", and again "Canada has remained fundamentally a product of Europe". The Indian way-of-life, indeed the Indian himself, has been swept

aside. Only in the era of the fur trade was the Indian functional to the Euro-Canadian, and everywhere the fur trade retreated in the face of settlement and was ultimately obliterated by it. The fate of the Indian was simply to become irrelevant. It is that fate, which was visited upon the Indian as the whiteman's frontier moved inexorably west and north, that now faces the Dene. Today native people are the majority in the N.W.T. but, of course, that has always been true initially in each of the successive frontiers.

The most dramatic demonstration of this functional irrelevance of the Indian is to be found in the very terminology that historians use to characterize Canada -- and other like cases, such as the United States, Australia and New Zealand. Their aboriginal populations notwithstanding, they are called "empty lands" or "areas of recent settlement" or "new Countries" or "undeveloped areas" -- or simply "the frontier". Their histories can be written, and are written, as the story of successive waves of white settlers exploiting new frontiers and transplanting European institutions. The resistance of the Indian -- for there has been resistance at every step -- becomes in the history books little more than a lengthy footnote to the main story. The Riel uprising is crushed, Riel is hanged, and he casts his long shadow over subsequent history, as Professor Page reminded us, not because he was a native resistance leader but because he was a Catholic.

There is, then, an awful truth about the manner in which this country was born, and has since been successively rejuvenated. We cannot change that history, but we can learn from it and resolve "never again". Put differently, the exigencies of staple production must make allowance, here in the North, for the first time, for the reality of native rights; unless that is done, nothing will really change.

Let us now look briefly at the specific and differing impacts of fur and minerals as staples. To begin, there is the theoretical question of the mechanisms by which a particular staple leaves its stamp. It is clear from the quotations from Innis that these are pervasive, but at least with respect to the specifically economic mechanisms -- which, as it happens, are central -- they can be broken down by focussing on the actual mode of staple production and the linkages to other sectors of the economy.

The mode of production can be understood as the particular mix of factors of production -- of land (that is, natural resources), labour and capital -- used to produce the staple within, at any moment of time, a given technological and institutional framework. The linkages are the spread effects from the staple sector to other sectors of the economy, and particularly the local economy, through the market mechanism. They can be conveniently classified as three-fold: forward linkage, that is, further processing of the staple; backward linkage, that is, the production of inputs including capital goods for use in production of the staple; and final demand linkage, that is, the spending of the income received by the commodity producers or workers on consumer goods. In each case, the stronger the linkages, the greater the income generated in the local economy -- or, in the language of the economist, the higher the multiplier.

The prosecution of the fur trade depended, at least initially in each region into which the trade expanded, on the Indian as fur-gatherer. As such the Indian was a commodity producer, not a wage-earner, and the fur trade was literally a trade, or a commercial activity, not an industrial activity. The Indian became dependent to the extent that he became vulnerable to the exigencies of the trade, but he did not have to make two critical and traumatic adjust-

ments that result from imposed industrialization. Firstly, he did not have to become a wage-earner, and secondly, which is really the opposite side of the coin, he did not have to yield up his ownership of the land. To put the matter differently, neither his labour-time nor his land had to become themselves marketable commodities.

This point is of the first importance. For the student of economic history in general, no theme is so compelling as the process by which land-bound man -- typically agrarian but sometimes nomadic -- is turned, against his will, into industrial man. In general, it has not been a voluntary process, the mere offering of another option as the Applicants like to phrase it. Rather, the tendency has been for people to be pushed off the land or to have others sell it from beneath their feet. To turn land-bound people into landless wage-earners has typically involved coercion.

(One reaction to the initial trauma of the imposed wage-economy -- and it is one of which the Applicants are not guiltless -- is to conclude that if some wage-employment leaves many problems in its wake, the solution is to accelerate change so as to get more wage-employment. It might be called the "shock-treatment" approach to development. It fits into a general class of behaviour which E.F. Schumacher calls the tendency "to try and cure a disease by intensifying its causes.")

Now mineral production (including petroleum) is an industry not a trade, and it needs both rights to the use of land and people who will work for a wage. The Hudson's Bay Company, as a fur-trading company, did not need to own the land; indeed, it was in its interest to let the Indians own the land, the better to trap on it, and to discourage white settlement. Only when settlement overrode the fur trade, or promised imminently to do so, as it did in the West, did the Bay Company see fit to transform

itself into a real-estate company and to pretend, successfully as it turned out, that it owned Indian land and was entitled to compensation rather than the Indians.

But for the mining and petroleum companies, no such ambiguity is tolerable. Ownership arrangements with respect to the land must be such that they have a clear right to take minerals from under the land and transport minerals over the land. Hence, in the context of the present situation, they act on the assumption that the land is not Dene land, but Crown land, and if that is not so now it should be made so by a land settlement that extinguishes aboriginal title; the land, then, either is or must become Crown land, and the companies know full well the propensity of the Crown to let them extract resources. Furthermore, since "land" is simply a commodity, should the Dene perchance own some land that is needed -- either because title has not been resolved or because property rights have been vested with the Dene as part of a land settlement -- the companies reply that they can buy it, and should the Dene be unwilling to sell, the companies say that they can, with the help of the Crown, expropriate it.

This helps us to understand what a "land settlement" must necessarily mean to the industry, namely, extinguishing native title to the land or, as a minimum, limiting any recognition of aboriginal rights to property rights subject to expropriation, so as to remove an impediment to industrial activity.

The industry needs labour as well, but here we do not need to be cynical to see that Dene labour is hardly so essential as Dene land. Non-native labour is generally readily available from the South -- and this is particularly so now given the extent of unemployment -- and has the advantage that it is not "raw" labour but trained and disciplined labour. The record of the mining industry, or of the Imperial Oil refinery at Norman Wells, in this regard, namely, their failure over long periods of time to employ native labour and then mostly in the most menial and casual occupations,

is sufficient demonstration of how the economics of the matter works. True, the government now insists on the employment of native labour, and industry is generally compliant -- in part because much of the training costs are paid by the government -- but the motives involved are at best mixed. It is good public relations for both government and industry, and in general has more to do with politics than with economics. And there are incidental advantages. To the extent it works, it means less native use of the land, relative to what would otherwise be the case, and hence can be alleged to diminish the potency of a land claim based on land-use (though not, of course, the possessory rights that flow from land-occupancy since time immemorial). For the government, the whole scheme can to some extent be seen as a substitute for welfare. When all is said and done, what is involved for the Indian is a swap -- a job in the wage-economy for abandoning and yielding up the land. We need to have only the slightest knowledge of the value of the natural resources of the North to the companies to know what an unequal bargain that is for the Dene.

We can get some idea of that value by enquiring about the role of capital and the nature of its return, and a closely related matter, namely, who gets the return to "land", or what economists call "economic rent". Up to a point, the matter is straightforward. Under the market system, the providers of capital receive dividends and interest. All we need add is that the owners of this capital may reside outside the region -- as they clearly do in the cases of both the fur trade and mineral production in the North -- and in that case no benefit therefrom accrues to the residents of the region.

But what if staple production yields profits above and beyond those necessary to service capital? This is not a hypothetical matter, but is rather to be expected in the nature of the case. The main reason is that staple production necessarily means exploitation of natural resources, or of "land", and since the latter is scarce, it is likely to command its own reward. The critical question then

becomes who gets the reward, or who appropriates the rents. Logic suggests that the answer is the owner of the land. If, as is alleged here in the North, the Crown owns the land, then it should get the rents, and that is a rationale for royalties and other forms of taxation of the resource industries. If the Crown fails to appropriate the rents -- as it largely does in the North and as it apparently intends to continue doing in the future -- they are transformed into "super-profits" and are appropriated by the owners of the capital or, in effect, the corporation itself for purposes of re-investment. There is, however, no reason to expect that they will be re-invested within the staple-producing region which generated them, and every reason to expect that they will not be re-invested in the region in other activities that serve local priorities. What tends to happen, then, is that the return to capital and to land leaves the region; all that remains is the return to labour, and that only to the extent it is resident labour.

To cast the Dene simply as wage-earners, as the Applicants do, is then not only to cast them in a role they may not want, but to deny them their role as the land-owner who should be entitled to appropriate the rents from projects which they choose to let proceed on their land. That denial is critical, for it means that the once-and-for-all rents generated within the region, from non-renewable resources that are in due course depleted, are ultimately re-invested at the behest of the corporation outside the region, rather than being re-invested within the region, by the people themselves, in activities based on renewable resources that could survive after the non-renewable resources are exhausted.

What is the point of denying the Dene their role as land-owners? It doesn't make sense.

The general point has been powerfully made by Eric Kierans in his Report on Natural Resources Policy in Manitoba:

"Resource rich nations that continually yield up the value of their wealth in return for the labour employed in its exploitation will never be more than resource nations. They lose the opportunity to form their own capital, capital which will enable them to break out of that very reliance on their resource base and reduce their dependence on foreign investment...To be satisfied with the new jobs created and to forego the surpluses and profits inherent in the development of its own endowment is hardly the mark of a strong and mature government. It accepts the role of 'hewers of wood and drawers of water' for its people when they are capable of much more. That role provides wages and salaries and little else...A developing nation, a province or a colony may be rich in the beginning but when that wealth is depleted through the poverty of its policies, nothing remains of the original endowment but the instability, dissatisfaction and political unrest arising from poorly conceived policies...The priorities of the global corporation are not the priorities of the people whose resources, with the urging of governments, they have appropriated...A province should use the value of its exhaustible resources to finance the sectors of its economy that promise continuing economic activity, employment and development in the future."

In this respect, the oil industry is admittedly no different from the fur trade. The Hudson's Bay Company appropriated such enormous surpluses from the fur trade that it is now a major retailer, real-estate developer, and shareholder in the oil and gas industry. Indeed, beyond that, the fortunes that originated in the fur trade went on to spawn yet greater fortunes in banking and railways. Of what benefit has this been to the northern natives who produced the fur?

When the resource is non-renewable, as it is for mining and oil and gas, the major legacy of failing to keep the surpluses in the region to seed other activities is the well-known Canadian phenomenon of the ghosttown. As Northrop Frye observed in his recent Images of Canada television special on the CBC, "Canada is full of ghost towns: visible ruins unparalleled in Europe." The ghost town

symbolizes everything that the native people, as the long-term residents of the North, have to fear from the present mode of staple production, for by then who knows what cumulative damage will have been done to their land and its ability to support them?

There is also, as noted above, the matter of linkages of the staple sector to other sectors of the local economy. None of these linkages operate so as to create much economic activity in the North beyond the primary sector itself, and there is little reason to expect this to change. The primary product tends to be exported in a relatively unprocessed form, and there is a high propensity to import both capital goods and consumer goods. Rather, the linkages tend to generate economic activity in southern Canada, the U.S., and elsewhere, thereby creating benefits outside the North. (This does not mean that there is necessarily a net benefit to southern Canadians. Whether or not there is depends as well on the effects of frontier development on primary product prices, and hence indirectly on the prices of other commodities embodying the primary product. If the price of the staple rises to make frontier production possible, this will lower the real incomes of those who, directly or indirectly, consume the staple. This phenomenon is clearly relevant with respect to high-cost northern oil and gas and very probably makes the net benefit to the great majority of southern Canadians negative.) Predictably, the tactic of the businessmen and government of the staple-exporting region is to attempt to increase the linkages within the region. Whatever crumbs they achieve by this strategy are, of course, necessarily obtained by their having to opt wholeheartedly for continuing staple production. Hence, it is no surprise that local business interests in the North are solidly behind the pipeline, and that the Territorial Government conceives of Indian economic development as helping the Dene to get a piece of the action that will be generated in other sectors by the pipeline -- in spite of the fact that the latter has about it something of the aura of asking the condemned man to take up rope manufacturing.

Nor can it be assumed that an existing local enterprise will necessarily reap any benefit at all from a resource boom; it may even be left worse off. In his testimony before this Inquiry at the community hearing in Fort Resolution, Father Menez gave no less than four examples for that community alone -- in the fur business, river transportation, sawmilling and commercial fishing -- where existing native involvement was pushed aside by subsequent rounds of activity. Some of those awaiting the pipeline will experience not a linkage effect but a boomerang effect.

It was noted at the beginning of this analytical discourse that staple production takes place within a framework of technology and institutions. These are not ordained from on high, but are man-made; nevertheless, for the staple-producing region they are largely imposed, being created and controlled by outside interests. This is very clear today in the mineral sector of the North, where the technology is highly capital-intensive and a small number of large companies are dominant. Insofar as the technology is difficult to alter, the message for local people, and above all for the Dene as the permanent residents, is, again, not to be satisfied with merely being wage-earners in the mineral sector, but rather to focus on the rents which otherwise accrue to capital and are drained away. Insofar as the corporations, as the dominant institutions, are difficult to alter, and the government is an alien institution subservient to their needs, the relevant message for the Dene is to create a new institutional framework within the North under the control of the Dene to which these entities must adapt.

Large-scale resource projects are said by their proponents to create "development". In fact, for native people what has resulted is properly characterized as "underdevelopment". The process of underdevelopment permits of a reasonably precise definition, namely, the suppression, or blockage, of potential sustained economic development geared to local human needs. The primary mechanism by which local

development is suppressed is by the outward drain of economic surplus from the region. The most significant loss from the failure to retain surplus is the destruction of local self-determination.

Let no-one doubt that the outflow of income generated in the North is large. This is evident from an examination of the social accounts of the North which has been done by John Palmer of Indian and Northern Affairs for the period 1967 to 1970. In 1970, Gross National Product per capita for all of Canada was \$3,866, while Gross Domestic Product per capita for the N.W.T. (which is conceptually virtually the same as Canadian GNP) was much higher at \$5,311. Now the high figure for the North is because GDP includes all income originating in the North, and hence includes non-resident earnings of both individuals and corporations, but that only demonstrates the extent to which wealth is in fact created in the North but drained out as wages and salaries to southerners and cash flow from Northern businesses to southern interests. In 1970, of GDP for both Territories of \$266.1 million, \$80.4 million was not retained in the North, \$32.2 million going out as wages and salaries and \$48.2 million as business cash flow.

Other comparisons are possible for the single year 1969. Per capita personal income (the income actually received by persons) was \$2,915 for all Canadians, approximately \$1,100 for Treaty Indians and Inuit of the N.W.T., and approximately \$3,000 for other residents of the N.W.T. Total native personal income (with native defined, by those who collected the data, as Treaty Indians and Inuit) is estimated as \$20.5 million in 1969 -- though this is clearly too low because of an underestimate of the value of country food. In that same year, the gross return on capital (before tax) in the mining sector in the N.W.T. was \$37.4 million, of which only \$4.6 million was retained in the North. Arvin Jelliss' rent estimates for the producing mines of the N.W.T. show economic rents proper -- after allowing for a 15 per cent return on capital, net of taxes and royalties -- of \$15.9 million in 1970 (and very much higher in 1973 and 1974).

(These figures show, incidentally, that the statement made by Dr. Tom Espie, then Director of Economic Development for the Territorial Government, in the overview hearings that "The most dramatic disparity in Canada today is that separating the people of the Northwest Territories from other Canadians" is simply not true. What the data does show is that the most dramatic disparity in Canada today is that separating native people from other Canadians, and that this shows up in the North as a disparity between natives and whites within the North, and not as a disparity between all "Northerners" and other Canadians. In other words, the basic disparity is ethnic, not regional.)

The ultimate hallmark of underdevelopment is marginality. Economically it manifests itself as poverty, unemployment and welfare. (Rather than seeing welfare as "charity", we should appreciate its hidden dimensions. For the Dene, it avoids integration into the wage economy and is therefore a form of resistance. For the dominant society, it is something it can afford, for there are not that many Dene, and the long-run effect of welfare, to the extent it demoralizes and degrades people, discourages concerted use of the land, and thus helps to dispossess the Dene of their land). Socially, it manifests itself in alcoholism, family breakdown and suicide. Politically, it manifests itself in feelings of hopelessness and apathy.

The Dene have so far been spared the fullness of that fate; they are, as the Applicants like to say, in a state of transition. But the direction of history is clear. It has recently been succinctly summarized by the anthropologist Dr. Peter Douglas Elias:

"...Indian socio-economic phenomena must be studied within the historic and contemporary framework of the development of industrial, class-capitalist Canada. With the passage of time, Canada tended to acquire the 'typical' characteristics of class-capitalist society. The producers, in this case the Native people of Canada, were separated from the means of production, embodied, essentially, in the land and the products of the land. The means of production became concentrated and monopolized in the hands of a single social class, and natives became a class owning no possessions and,

ultimately, having no exchangeable commodity other than labour. Even this 'typical' model of capitalist development was surpassed by natives becoming a permanently underemployed class subsisting on social assistance... An examination of the history of native and white contact reveals the processes that culminated in the total integration of Native peoples into contemporary Canadian society as permanent members of the underclass."

Hugh Brody tells us that the process is at work today with respect to the native people of the Eastern Arctic:

"The most recent trends are pushing native people increasingly towards the lowest and least certain rung on the national class ladder: if separated from his own means of production and unable to have a sure relationship to the intruders' means of production, the Eskimo -- like many Canadian and American Indians before him -- will be turned into a migrant worker, a casual labourer, and -- as this lumpenproletarian condition develops -- prostitute, petty thief and beggar. Abundant signs of this course of events are already visible."

It must be insisted upon that the purpose of northern native land claims is neither more nor less than to subvert this terrible historic process.

It is important to understand as well that this way of analyzing the condition of native people is very different from those who insist, explicitly or implicitly, that the reality we are observing, particularly here in the North, is a "dual economy". According to this view, the North is a two-sector economy, consisting of a "modern" sector and a "traditional" sector, and these two sectors are substantially separate. The "modern" sector is seen as essentially an "enclave", where "development" takes place, while the "traditional" sector is stagnant and full of problems, and is not experiencing the benefits of "development". The logic of this position is that the solution lies in moving people out of the "traditional" sector and into the "modern" sector. The transition, though painful, is necessary. At the end of the road -- or in this case, at the end of

the pipeline -- what will be created is a one-sector "modern" economy with everybody experiencing the benefits of "development".

The thrust of my argument is very different. The concept of dual economy is not helpful in analyzing the history of the Mackenzie District either in the era of the fur trade or in the recent, and present, era of mineral production. In the past, when the fur trade was dominant the economy was a one-sector native economy with trapping commercialized. As Professor Asch has shown, the Dene benefited, though at the long-run cost of dependency. The moral seems clear: had the Dene controlled the fur trade, rather than the Bay Company, tendencies to "mining" and consequent depletion could have been curtailed; surpluses could have been kept in the region to permit of more diversified development around renewable resources, rather than being used to build major edifices in Winnipeg and Toronto; and white trappers -- who became an increasingly serious problem for the Dene in this century, as Father Fumoleau shows -- could have been excluded, assuming the political rights of the native majority were allowed to express themselves.

Today the economy is a two-sector economy with the mineral sector added to the pre-existing one-sector economy. But the two sectors are anything but separate. Rather, the operation of the "new" sector works, through a variety of mechanisms, to underdevelop the "old" sector. The economic surplus generated by the "new" sector is either used to generate further activity in the "new" sector or is drained out of the region; none even "trickles down" to the "old" sector. The white settlers attracted by the "new" sector impose alien institutions and pre-empt the power of the native people -- as a previous panel has shown; the native people experience degradation and anomie.

Again, there would seem to be a clear moral: if non-renewable resource exploitation is to continue, then instead of integrating the Dene into a one-sector economy -- which they say they do not want and which does not appear to have worked elsewhere in Canada -- what should be considered is creating a two-sector economy which has the real promise of being beneficial to the Dene. That is, instead of blithely assuming that a dual economy exists today -- but should be encouraged to wither away in the long-run -- we should see that what could be created is a two-sector economy where the two sectors would co-exist harmoniously. That would require us to look carefully at the means by which the present mechanisms of under-development could be turned into mechanisms of development.

The conclusion of this section of the evidence is that staple production, by its inherent nature, brings into play powerful structural and determinative factors. The inference is that these structural tendencies can be broken only by new institutional arrangements that permit of genuine development.

Corporate and Governmental Performance

Realistically, building a pipeline creates problems; to some extent the Applicants concede this, though there is an understandable tendency to underestimate them. But no matter, we are told, they will do their best, and the rest can be left to the benevolence of Government.

The truth of the matter is that the companies will do little beyond what the Government requires them to do. The reason is simple: the role of the corporation is to maximize its profits, and it might even get into trouble with its shareholders -- particularly when the latter is an externally-based parent company -- were it not diligently to do so. The companies define their sphere of activity narrowly -- production, transportation, marketing and financing of goods and services -- and if these activities create costs for others, these are "externalities" which are not relevant in calculating profit,

and hence in making decisions expect to the extent that the companies are constrained by government through law and regulation. Put differently, the activities of the corporations generate income, which is a "private benefit", but any costs imposed on others are "social costs" and are left to be borne by the individuals and groups concerned or to be borne on their behalf by the government.

The ability of the corporation to single-mindedly pursue its narrow objective is further enhanced by its structure. It is a hierarchical and authoritarian institution. A distinguished student of human liberty, Professor Edgar Friedenberg, puts it this way:

"The large corporation has proved itself to be more nearly immune to the democratic process than any other major social institution of our time...All the egalitarian assumptions of the democratic process are openly negated in the conduct of the corporation: the negation is built into its structure (i.e., employees have no voice in setting its policies and very little in determining its day-to-day operation). Moreover, this fact is accepted as perfectly legitimate."

And Friedenberg, who sees the state itself as a significant threat to liberty, nevertheless concludes:

"Granted the choice between being governed by the demands of a corporation and those of a democratic state whose policies are, in any case, largely determined by corporate demands, I would still choose the national state. Corporations are probably too lacking in diversity, and moral commitment, too rational to be trusted to encompass the whole of life as the state must."

Fundamental to the undemocratic nature of the corporation, particularly in its present multinational form, is its centralization of decision-making. The late Stephen Hymer, a leading authority on the multinational corporation, wrote:

"Although the multinational corporation spreads production over the world, it concentrates coordination and planning in key cities and preserves power and income for the privileged."

While corporations do not always do what they are told by governments to do, it can be easily demonstrated that they are not inclined to be better corporate citizens than governments, no matter how reactionary, require them to be. The evidence by the Churches on the Brazilian Amazon and the Canadian North showed that a significant number of well-known Canadian companies, some of which operate here in the North, operate in Brazil, notwithstanding harsh policies toward aboriginal people bordering on the genocidal -- and not to speak of a military junta and widespread repression. In Chile, the use of torture as an instrument of state-policy is one of the horrors of the contemporary world, but it has not stopped Falconbridge, Noranda, Amoco and Cominco from pursuing business as usual -- and three of these companies are major operators in the North, while Noranda is trying to establish a presence. Falconbridge also operates in the Union of South Africa, Southwest Africa or Namibia, and Rhodesia (Zimbabwe); the racial policies of these countries are well-known, with the U.N. having imposed sanctions against Rhodesia and the South African occupation of Namibia having been declared illegal by the International Court of Justice and the U.N. Nor does this list have to be confined to the mineral sector; the Hudson's Bay Company is also in Namibia -- as the major participant in the trade in karakul fur -- in defiance of the international polity.

These are the extremities of corporate irresponsibility, but they have the virtue of highlighting the problem. It seems reasonable to conclude that the Dene should not place a blind trust in the companies. They are no better than the institutional framework of government policy within which they operate; indeed, worse than that, there is little evidence to suggest that they attempt to get

bad governments to be better, and worst of all, there is considerable evidence to suggest a willingness to shore up corrupt or reactionary regimes.

Nor is that the end of the matter, for the corporations have at least some capacity to influence governments, and governments, notwithstanding their professed pursuit of the public interest, may sometimes adopt a more pro-development stance with respect to a particular country, or region therein, than do the companies which tend to have global options.

There is reason to believe that the Applicants and the companies which make up their consortia are not without influence on government. Professor Dosman's book in particular -- and host of other books on the petroleum industry in general -- certainly leaves one with that impression. Specifically, it is of more than passing interest that the leading student of the contemporary Canadian Establishment, Peter C. Newman, lists Mr. William Wilder, Chairman of Arctic Gas, as one of a handful of businessmen, or "senior business ambassadors", with whom Prime Minister Trudeau has "friendly relations", and with whom he has dined privately in the search for economic advice. Newman tells us as well that Mr. Robert Blair, President of Foothills, "has suddenly emerged as Alberta's most important businessman", while the press is replete with hints as to the close working relationship of Mr. Blair's Alberta Gas Trunk with the Lougheed Government.

As to the pro-development policies of the Canadian Government with respect to the North, we have the detailed documentation of the inner workings of the Government as disclosed by Professor Dosman. It leaves no doubt that the Government is advance-man as well as barker for the Northern Oil and Gas Play. Certainly, there is no known case of the companies not getting their way on a matter of major importance.

The issue central to the native people is, of course, their land

claims. Here Dosman documents very precisely that the Government knowingly and willfully decided to proceed with the gas pipeline before settling native land claims. Its hopes for a quick pipeline were dashed, because of events in the U.S., but it stuck to this position in spite of this...and in spite of the willingness of the U.S. Government to settle with the Alaskan native people...and in spite of the formation in 1971-72 of COPE, the Indian Brotherhood of the N.W.T. and ITC, all insisting that there were unsettled land rights. The decision of Mr. Justice Morrow in the caveat case was a blow to the Government's policy of deceit, says Dosman, and led to some softening, but "Indian Affairs and Northern Development still held back on the promise of a land settlement prior to pipeline construction". It still does.

On the basis of the sorry record of corporations and governments in the North, it does not seem unreasonable for the Dene to have their doubts about stated good intentions. Indeed, given the performance of corporations and government, the Dene cannot sensibly rely on them to protect the Dene interest. They would appear to have no alternative but to assume themselves a very significant amount of political control -- although surely to hunt, fish and trap is a more wholesome activity. If they could establish a Dene authority over Dene land -- within the constitutional framework of Canada, which Professor Russell has indicated is both possible and desirable -- then they would be in a position to bargain directly with those companies which wished to enter their land. Out of that process could come the "terms and conditions" under which a project could proceed; in the absence of a bargain being struck, the project could not proceed. This is indeed to place a heavy burden and responsibility on the Dene -- and one not without its continuing hazards for the Dene themselves in the face of companies which possess great power -- but the right to determine one's own future is a fundamental right and the eternal vigilance needed to exercise it on a day-to-day basis could be the key to the collective survival of the Dene and their continuing development as a people.

The Land Claim and Alternative Development

The problem that some people may have, including perhaps the Applicants, in understanding the nature and extent of the land claim, is that both the word "land" and the word "claim" are somewhat misleading. To use the word "claim" is to imply that native people are claiming their homeland and rights; while the erosions of colonialism are real, we should at least say reclaim. But perhaps the best word is "declaration" (as in Dene Declaration), that is, the Dene are declaring their rights; my dictionary gives as the meaning of declare "make known, proclaim publicly", that is, it is something the declarant already knows.

To the Euro-Canadian, the word "land" conjures up property rights, and property means something that is marketable and subject to expropriation. Clearly the word "land" means much more than that to the Dene and, specifically, in Euro-Canadian language, includes rights of control or political rights. The collective expression of political rights is what we would customarily call "self-determination". By "land claim", then, the Dene apparently mean "a declaration of the right to self-determination"; thus the Dene Declaration is the central statement of their claim.

Now as Professor Saul argued, self-determination is a many-faceted phenomenon, with different dimensions reinforcing each other. Thus, significant economic independence, while it cannot in itself be sufficient, is nevertheless necessary for self-determination. Indeed, insofar as the Dene cannot achieve political independence -- for they accept that they are part of Canada -- the degree of economic independence needed may become that much more important.

What is here called "economic independence" is what the Dene call "alternative development". That term can be understood to mean an "alternative" to the "development" of the non-renewable resource sector, which, in fact, creates underdevelopment for native people. Along the lines suggested earlier, it could be seen as meaning a

two-sector economy -- of a non-renewable resource sector under white ownership but subject to Dene control, and a renewable resource sector under Dene ownership and control.

Take the renewable resource sector first. A strong, indeed compelling case can surely be made for exclusive Dene rights in this sector, not only to hunt, fish and trap but with respect to the whole area of game management -- indeed, of all renewable resource management including forests and water; while non-Dene northern residents and the bureaucracy of the Territorial Government might be expected to resist this logic, it could be acceptable to the developers, and the federal government, for whom the main chance is non-renewable resources. But there are hidden implications not only for the developers -- as we shall see directly -- but also for the Dene.

For the Dene, what would seem to be at issue is not only the protection of their traditional economy but the right, indeed the necessity, to create their own contemporary economy around renewable resources. Just as it is increasingly recognized that the genuine development of the Third World hinges on agrarian reform, on the modernization of agriculture to serve domestic needs, so the genuine development of the North presumably hinges on the modernization of the renewable resources sector by the Dene to serve Dene needs. Productivity must be improved and, given the extent both of present underemployment and the rapidity of growth of the native population, the sector must be expanded so that more people can be gainfully engaged in it. It would appear that the Dene prefer involvement in the renewable resource sector to involvement, at least on a full-time basis, in the non-renewable resource sector, but a restructuring of the renewable resource sector must take place so that it becomes a clearly viable sector in material terms. Given the government's obsession with the non-renewable resource sector to the virtual exclusion of all other considerations, such restructuring is, to say the least, unlikely to take place except in the context of a land settlement and its subsequent

implementation. In any event, it will hardly constitute Dene development unless it is done by the Dene themselves.

It would be a considerable advance to have the recognition of exclusive Dene rights to harvest and to manage renewable resources, but it would not be sufficient. There are two reasons why this is so, that is, there are at least two identifiable mechanisms of underdevelopment which impinge on the renewable resource sector from the non-renewable resource sector and which would have to be converted into mechanisms of development.

The first is that activity in the non-renewable resource sector does damage to the renewable resource base and thereby threatens the continuing viability of that sector. The Dene can only be effectively protected against this by having themselves the power to protect their land. Even the exclusive right to use the renewable resources will be of insufficient avail if the right is not protected. Hence, alternative development must include the right to control over the non-renewable resource sector so as to limit environmental degradation and competing uses to an extent that is tolerable to the Dene.

The second mechanism of underdevelopment is the failure of economic surplus generated in the non-renewable resource sector to accrue to the benefit of the renewable resource sector. What is at issue here is not only the right of the land-owner to appropriate the rent, but the loss of the potential to create Dene development when that does not happen. Put more concretely, to create a viable Dene renewable resource sector requires both capital goods and Dene with both "traditional" and "modern" skills. Both of these, in turn, require money. So long as the money is made available under the whiteman's control -- whether it be so-called Indian economic development funds

under government auspices, or whether it be the building and operating of schools that destroy all-around Dene skills -- then Dene development is a contradiction in terms. Hence, the right to alternative development must include the right to tax the non-renewable resource sector, or impose royalties thereon, so as to fund the Dene economy, and the Dene institutions, which will permit of continuing Dene development.

This is not to pretend to make a judgment about exactly how much rent should go to the Dene, but some principles can be laid down. Firstly, as previously noted, given the observed failure of the Government to come anywhere near to fully appropriating economic rents in the North and the apparent intention to continue to operate that way for the indefinite future, there is a good deal of room for the Dene to appropriate rents at no cost to the great majority of southern Canadians, who are not shareholders in the oil and mining industries, but solely at the cost of reducing the super-profits of the corporations. Secondly, the Dene would have the right to forgo rent by vetoing projects, or short of that, compelling changes in them that would increase costs to the companies and hence lessen the rents available for appropriation. A specific variant on this -- which has received the tentative blessing of the Science Council -- would be to discourage new town sites, particularly for mines, and generally encourage the flying-in-and-out of personnel from the South; this would presumably increase the costs to the companies, but would not necessarily increase the true social costs which include large costs for infrastructure which are mostly not borne by the companies but rather by governments and individuals. Thirdly, if rents accruing to the Dene are to be justified by some criteria based on need -- that is, the Dene should get enough but not too much -- then the criteria implicit in this analysis are simply what is necessary both to provide capital for community-based economic development --

until it becomes viable and self-sustaining, and has created full employment in the communities -- and to permit the on-going subsidization of Dene institutions; if schools are included in the latter because the Dene were to so wish, then it should be borne in mind that there is no necessary net cost to society since the schools are now funded by the government rather than by the Dene themselves. A final observation on this third principle is to remind ourselves, as Harold Cardinal already has, that the Indian people have a tradition of sharing; in spite of statements sometimes made to the contrary, there is no evidence the Dene are asking for a "King's ransom".

A major theme of this evidence is that a concern with economic development compels us to concern ourselves with political control. In institutional terms this implies, in the context of a land settlement, both the right of the Dene to create their own institutions and the need to limit full political rights to long-term residents of the North; specifically, the logic of this evidence, though focussed on the economic, strongly supports a residency rule for participation in local and territorial elections such as the ten-year residency rule proposed by the native organizations.

Is it possible to say anything more about the probable nature of Dene economic development? Work in this area, which most come from the communities themselves is in its early stages, but a statement worked out at an Indian Brotherhood Workshop of Regional Field Coordinators in October 1974 is suggestive. It is entitled "What Does Development Mean for the Indian People of the Mackenzie District?", and it answers the question as follows:

1. It means development by the community rather than by outsiders. It means development by the community as a whole rather than by individuals within the community.
2. It means not participating, even as workers, in activities you cannot control. If such developments go ahead anyway (such as large resource developments), Indian people as owners of the resource should benefit from royalties, and the political rights of Indian people (which would be threatened by an influx of white workers) should be protected by entrenching them as part of the land settlement.
3. It means getting expertise when it is needed in the form of short-term technical assistance without giving up ownership (even of the joint venture variety).
4. It means long-term planning and priorities (since it's impossible to do everything).
5. It means continuity with the past, by complementing and re-inforcing traditional pursuits, and by drawing on the community's experience.
6. It means communities relating to each other, regionally and for the Mackenzie District as a whole (for unit- means power).
7. It means a process which unites and builds up the community's sense of self and the sense of self of all its members.
8. It means that development is implemented in a way that fits the Indian way of doing things (which is not the same as the government's way or the companies' way).
9. It means learning by doing so that development becomes an on-going, self-reinforcing process.
10. It means greater economic independence and greater political autonomy.
11. It means maintaining an egalitarian and sharing society.

12. It means setting an example for Canada.
13. It means growth in Indian communities...not only economic development but cultural, social, political and spiritual development...and the sum is greater than the parts.

Finally, we might usefully contrast the intransigent position on the right of Northern native people, within Canada, to pursue their development as exemplified by Indian and Northern Affairs with the position of the Canadian government toward the people of the Third World as articulated by the President of CIDA. In an address to the Couchiching Conference last year, Mr. Paul Gerin-Lajoie referred to how, in the 1950s and '60s, it was thought that the way to create development

"was to concentrate on capital-intensive projects in key economic sectors and on the creation of poles of growth, benefits of which would eventually trickle down to the population as a whole and to the more traditional sectors of economic activity. But this phenomenon has not materialized...There is mounting concern that the benefits of economic growth have missed the small farmers, rural artisans and urban unemployed -- the poorest of the poor who remain without any cash income."

And later in the year, speaking in Vienna, he said:

"After two decades of development recipes which have failed to change the world situation, there is growing awareness that development requires an overall philosophy and a worldwide approach. The increase in gross national product is no longer considered as the deus ex machina that would carry with it, for the advantage of the masses of poor people, benefits of improved food and nutrition, housing, health and education services, employment and fair distribution of income. These are now recognized as the very essence of development, to be pursued as a comprehensive and integrated set of goals within a context of collective cultural aspirations."

While there is very likely a considerable gap between the rhetoric and practice of CIDA, Indian and Northern Affairs would at least benefit from wider reading. For if I understand Mr. Gerin-Lajoie properly, a pipeline is not the way to create development; it would presumably not qualify for Canadian assistance if it were being built outside of Canada. The statement from the Brotherhood Workshop, in contrast, seems to be close to the spirit of Mr. Gerin-Lajoie's remarks.

The Public Interest and the Dene Interest

The most persistent argument used by developers, private and public, is that large-scale resource projects serve the "public interest". If the residents of the region where the project is to take place object, in the final analysis they are put down by appeal to the "public interest". This is justified by saying that the "national interest" must override the "regional interest", with the reality for contemporary large-scale energy resource projects being that the relevant "regional interest" is the "native interest". The native interest -- which is real -- is then disposed of either by saying, in effect, that it must, regrettably, be overridden, or by asserting that in some long-run sense the two interests are really identical.

Yesterday in James Bay, the Cree were coerced into a settlement involving extinguishment of their aboriginal rights to the land in the name of the public interest. Today, the Dene are told that a pipeline may have to be built prior to a land settlement -- because it is in the public interest. Right across northern Canada, native people are having large projects pushed down their throats, with corporate executives and government officials telling them that "the greater good" must take precedence over the regional interest of a handful of people.

This is no new phenomenon, but rather has deep historic roots. Since the beginning, the Indian interest has been sacrificed on the alter of the public interest, or what Professor Ted Chamberlin calls the "common good" in his penetrating study of white attitudes toward North American natives, The Harrowing of Eden. He eloquently summarizes the use of this technique over the centuries:

"It was for the common good that the western lands were opened up for settlement even as the eastern lands had been settled; it was for the common good that treaties were signed, and often broken, and that provision was made in these treaties for roads, way stations, trading houses and forts, which could be built at governmental whim on lands reserved for Indians; it was for the common good that rail and road links were established through Indian lands to link east and west; it was for the common good that Indian hunting and fishing rights, guaranteed by treaty or solemn promise, were revoked to make room for people, or things (such as dams) to serve people, or programs (such as conservationist schemes) to satisfy people; it was for the common good that Indians were herded like cattle, treated like children, swatted like flies, and guarantined like animals suspected of having rabies."

It happened that way, but it did not have to and should not have. But are there, in fact, any principles that can be enunciated -- applicable to a project like the proposed gas pipeline -- to resolve what some people persist in seeing as a cruel dilemma?

Let us return to the analysis in the first section of this evidence bearing on the so-called staples approach. Virtually without exception, the massive energy projects underway or planned for Northern Canada serve outside needs -- and by that I mean needs external to Canada. So the choice is not, in fact, simply between the national interest and the regional native interest. Typically, in this century, there is the overriding American, or continental, interest, and it cannot be simply assumed that what serves the American interest automatically serves the national interest. (In terms of the Applicants, Arctic Gas clearly serves, first and foremost, the American interest, since it wishes to transport natural

gas from one part of the United States to another part of the United States -- a kind of contemporary version of the Panama Canal. Foothills, properly viewed, serves the continental interest, since an alternative to its pipeline for some time at least -- and which could have been done some time ago -- is to eliminate exports of gas to the U.S.; furthermore, were it to get the government nod then, like Arctic Gas, it would have to go to bed with the same U.S.-controlled producing companies. Also, the Arctic Gas proposal, and now Foothill's Fairbanks Corridor proposal, appear to hinge on a treaty with the U.S. guaranteeing safe passage of American gas through Canada; the erosion of Canadian sovereignty implicit in such a treaty is reminiscent of the by-gone era of the DMZ-line in the North.

A significant dimension of the choice, then is choosing between the interests of non-Canadians and the interests of native people who are Canadians; it is of the essence of the nature of the nation-state that it should be biased in favour of its own citizenry.

There is a further implication to the staples approach. It is not only the North -- as the "new frontier" -- which is driven by the imperatives of staple production. So too, after close to four centuries, is Canada as a whole. We cannot forever grow by expanding into new geographic frontiers, for we are running out of places to go -- and there is little merit in emulating the example of the U.S. after its frontier closed, circa 1890, which finally landed it in Vietnam. The time may not be too far distant when some considerable restructuring of the Canadian economy, away from its staple-export-bias to meeting the needs of Canadians to a greater extent within itself, will be necessary. In any event, it is long overdue, and the need for a humane approach to further Northern development is the best possible reason for beginning the task of restructuring now.

At the same time, there is also the growing realization that energy -- whether exported to the U.S. or used in Canada -- is being massively wasted; the important new book by Barry Commoner, The Poverty of Power, is devastating on this point. It would appear that the interests of the native people are being sacrificed for no better reason than that neither the U.S. (nor Canada) has anything even vaguely resembling a rational energy plan -- and, coincidentally,

it is the very developers of the projects who simultaneously use their political clout to prevent the working out of such a plan.

Just as evidently, there is growing concern about the environment, and the public interest in that area, properly perceived, will almost certainly be better served by the native people than it presently is by the corporations and the government. That is likely to be the case not only because the native people have a respect for the environment not found amongst those who are powerful in white society, but because, to quote Dr. Schumacher again:

"It is moreover obvious that man organized in small units will take better care of their bit of land or other natural resources than anonymous companies or megamantic governments which pretend to themselves that the whole universe is their legitimate quarry."

-- bearing in mind, of course, that the bits come big in the North.

There is a danger, of course, of putting too fine a dress on these matters. For when all is said and done, "development" takes place because that is how developers make money. If a higher purpose is served, that is largely coincidental. Furthermore, the developers do their best to define the public interest, thereby improving their likelihood of serving it. Corporate advertising by the oil industry on the need for frontier resources, a kind of violence to the truth sandwiched between the real violence of Hockey Night in Canada, is a relevant case in point.

But even all this does not strike to the heart of the matter. Are there circumstances in which we are entitled to override the native interest? -- bearing in mind as well that this may not mean foregoing projects but rather significantly altering their structure and timing. I think not, for we must recognize what we are doing if we do that. If people of a fundamentally different culture say No to the demands of a dominant culture, and the dominant culture proceeds anyway, then what we are describing is, in the ordinary sense of the term, imperialism.

In what possible sense can the "greater good" be served by such an act of coercion? What are those of us who are complicit in the act to do? Presumably we must either plead ignorance, or bear the guilt, or assert the rightness of oppression. But none of these can be said to leave us better off.

A major theme of my evidence has been that many native people in this country are in their present impoverished position because of what has been done to them in the past. We can specify the mechanisms of underdevelopment by which the damage has been done.

We can work out the means by which these mechanisms can be transformed into mechanisms of development. What excuse can there be for not doing it?

The Indian people, right across Canada, self-evidently need Indian economic development under Indian control. That does not mean a stark choice between either "traditional" activity or wage-employment with non-Indian controlled enterprises. As George Manuel has put it:

"Countless numbers of Indian communities have rejected proposals offered to them under the guise of economic development that promised an uncertain number of menial jobs with no specified opportunities for advancement, in return for ninety-nine year leases and unpredicted amounts of pollution. This is not a cruel dilemma between moving in one direction or another. It is a choice between one kind of stagnatory poverty and another."

There is a third way, the way of alternative development. And how do projects like the proposed gas pipeline contribute to that, directly here and indirectly elsewhere by example, unless the occasion of a large project affecting Indian land should first become the occasion for the working out of a new land settlement with Indian people? To start the pipeline prior to such a settlement would be to lose that once-and-for-all opportunity, and must be seen as intolerable.

Nor, as is implied above, is it only the Dene who will be the losers. It is evident from the southern hearings of this Inquiry that the struggle against the pipeline and for a just and equitable land claim for the Dene is a concern of all Indian people in Canada. Put differently, the issue is not merely between the alleged national interest and the Dene interest; it has also become one between the former and the interest of all aboriginal people in Canada. That is as it should be, but it must be understood that the damage that will be done by starting a pipeline before a land settlement is thereby made yet more intolerable.

There is yet another tactic of evasion, and that is to try to turn the native people into white people. "Integrate" them into the wage-economy, indeed, into the whole mores of white society; in fact, the former already implies much of the latter. The native interest is disposed of, literally, and all that is left is the public interest. It is, of course, the most insidious of solutions. It has been rejected again and again by the Indian people, which is sufficient reason for its abandonment.

Conclusion

The Dene assert that starting a pipeline prior to a land settlement would prejudice their land claim. It is difficult to see how it could be otherwise. The companies ask: how can we avoid prejudice? The answer, which is understandably rejected by them, is that their very presence here, before the Dene have reclaimed their historic rights, constitutes prejudice. They did not come with the consent of the Dene, so they should not be here. If they wish to be here, and to stay here, they must try to strike a bargain with the Dene. The role of the government is to let this happen, to give the Dene the space they need -- the geographic space and the political space -- knowing that what redounds to the benefit of its least prosperous citizens must ultimately redound to the prosperity of the democratic state.

APPENDIX A

WITNESS RESUME

MEL WATKINS

MELVILLE H. WATKINS

Present Position: Economic Consultant, Indian Brotherhood of the NWT.
Professor of Economics, University of Toronto
(on leave)

Education: 1952, Bachelor of Commerce, University of Toronto
1954-55, Postgraduate studies in economics
University of Toronto
1955-58, Postgraduate studies in economics,
Massachussetts Institute of Technology

Professional Experience: 1952-54, Price Waterhouse and Co., Toronto
1956-58, Instructor in Economics, MIT
University of Toronto, Dept. of Political Economy
1958, Lecturer
1962, Assistant Professor
1965, Associate Professor (with tenure)
1970, Professor
May 1966, Exchange Professor, Moscow State University
1967-68, Head of the Task Force on the Structure
of Canadian Industry, Privy Council Office,
Ottawa
March 1973, Gabrielson Lecturer on National
Responsibilities in the World Economy,
Colby College, Maine
May/June 1973, Teaching Master, Seneca College
Mobile Arctic Program

Affiliations: 1966, Treasurer and Chairman of Finance Committee,
International Teach-in
1966-67, Chairman, Governing Council of Rochdale
College
1965-67, Treasurer, University League for Social
Reform
1967-69, President, University League for Social
Reform
1966-73, Editorial Board, The Canadian Forum
1969- Editorial Board, Journal of Canadian Studies
1969-70, President, Harold Innis Foundation
1969-71, Vice-President, Federal New Democratic Party
1971-73, Federal Council, NDP
1969-74, Steering Committee, National Waffle and
Ontario Waffle
1970-74, Executive, Committee on Socialist Studies
1975-76, Panel of Public Enquiry into Northern
Hydro Development, Interchurch Task Force
on Northern Flooding

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TESTIMONY GIVEN BY
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JUNE 1976

THE BILINGUAL/BICULTURAL EXPERIMENT
AT ROUGH ROCK DEMONSTRATION SCHOOL

Testimony Prepared by Ethelou Yazzie, Director
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The Melting Pot Myth

For a full century, America's political, industrial, and educational leaders believed and propounded the "melting pot" theory. Eventually, they all thought -- and so did the European and Asian immigrants that came to the U.S. -- that all Americans would be the same -- with the same opportunities, the same chance at success, (and the same consumer appetites).

Today we know that this Anglo myth lied to us all.

Cultural patterns persist after generations of attempts to wipe them out. Black, Chinese, Polish, Scandinavian, Puerto Rican and Mexican language, dialect and culture remain strong in America in spite of 100 years of established opposition to them. And nowhere is the ethnic strength and heritage more powerful and more meaningful than in the Native American communities that have survived massacre, genocide, and government-sponsored family disintegration.

The strongest government tool in this forced integration into "the larger society," (after the ability to

control wealth and the lack of it) is the educational system.

One of society's purposes in requiring the formal education of its children is to use its power and its ability to transmit, preserve, and examine a society's history, language, religion and philosophy. This power was totally reversed in the education provided for the Navajo and other Native Americans. The purpose of that system was to erase Navajo history, language, religion and philosophy, and to replace it with the dominant culture of the Western European by means of an extensive and intensive resocialization process.

Through education, the dominant establishment tried to exert full control over the Navajo young. Navajo children were forcibly taken from their parents and families as early as seven years of age, and kept at distant boarding schools for ten months out of twelve. This severing of the young from their Indian backgrounds was supposed to make resocialization and cultural domination easier -- and it was done through a show of power.

Cultural shock was inevitable. Disorientation and frustration occurred. To many children and parents the conflicting values were simply not acceptable. Other students, not knowing who to believe, resisted both sets of values. These students were then in a "no man's land" with little self-esteem, identity, or values to guide them. Even Indian teachers had difficulty teaching these students.

When the "new" way of life was too incompatible, or

the frustration too much, for the young Indian, the child dropped out completely. The Navajo had an 85% dropout rate. This phenomenon is shared with other Indian tribes and disadvantaged youth.

The problems of the Navajo and the old educational system go beyond the reservation school, and extend into all schools that have resocialization as their main goal. Such a system denies each child his "uniqueness and worth as an individual" (Jean Jacques Rousseau).

Education textbooks say that "Formal education is a major agency for transforming a heterogeneous and potentially divided community into one bound together by a common language and sense of community." The principle sounds good, but it is idealistic and unrealistic because cultural dominance will always occur.

When English is the language, all others are placed in a secondary or sub position. ("Sub" being not as good as, e.g. "subhuman"?) Language is an individual's "social reality". Even this reality was denied the young Navajo for many years. Our children were forbidden to speak in their own language, and suffered punishment for doing so.

Failure to introduce varying languages and cultures in a positive light discourages the growing child's receptivity and his willingness not to prejudge others and their cultures. Cultural domination has no place in education.

A bicultural system respects both cultures and works with all segments of the community to the support of each. The

family and the educational system need to work together as one with all parents knowing and caring about what goes on in the classroom. Neither group should be allowed to undermine the other, but must work together consciously to complement each other throughout the educational process.

Indian Self-Determination and Education Assistance Act

In the autumn of 1975, the Congress of the United States passed into law The Indian Self-Determination and Education Assistance Act -- Public Law 93-638. Long overdue, the law is described as "an act to provide maximum participation in the Government and education of the Indian people; to provide for the full participation of Indian tribes in programs and services ... to establish a program of assistance to upgrade Indian education; to support the right of Indian citizens to control their own educational activities ..."

Section 2 of the Act states that

The prolonged Federal domination of Indian service programs has served to retard rather than enhance the progress of Indian people and their communities by depriving Indians of the full opportunity to develop leadership skills crucial to the realization of self-government, and has denied to the Indian people an effective voice in the planning and implementation of programs for the benefit of Indians which are responsive to the true needs of Indian communities.

The Indian people will never surrender their desire to control their relationships both among themselves and with non-Indian governments, organizations and persons.

Section 3 of the Act states:

The Congress ... recognizes the obligation of the United

States to respond ... by assuring maximum Indian participation in the direction of educational as well as other Federal services to Indian communities so as to render such services more responsive to the needs and desires of those communities.

The Congress declares its commitment ... through the establishment of a meaningful Indian self-determination policy which will permit an orderly transition from Federal domination of programs for and services to Indians to effective and meaningful participation by the Indian people in the planning, conduct, and administration of those programs and services.

Briefly, this act provides by law that for the first time all Native Americans have the legal right to determine the form of education and other social services they feel is right and proper for their children.

This law gives us both the right and the obligation to develop unique and meaningful education and health service patterns that will insure our children's rights to those things most Americans take for granted.

Our Navajo Division of Education has made great progress in unifying educational goals for the Tribe as a whole, and like the American public school system it has developed the policies and guidelines necessary to administer the many schools and school districts that are or will eventually be under its jurisdiction. Yet there is one thing that a Division of Education in any form cannot do. The Navajo Division of Education, a state or governmental school system, even the Tribe cannot replace an involved community designing and controlling its own school system.

"Effective and meaningful participation ... in the planning, conduct and administration of ... programs and

services" means that small communities everywhere must be extracareful not to forfeit their own self-determination rights to any larger body -- not even to the Tribe.

Community members, if they are willing to assume the effort that it takes, can control their own schools, as does Rough Rock, right now. And in doing so, they transform more than an educational system. The involvement of the community in the school has ramifications far beyond the educational realm.

Why the Community Needs to be Involved in the Education Process

Now that we know that tribal and ethnic languages and culture will not vanish quietly into the American mainstream, a revolution has been taking place in the thought processes of leaders and community members both. We know now that tribes and tribal tradition and ethnic customs of many nationalities will remain alive in American life, and will endure. We know also that they will not remain in the same form, but will take new and unknown directions.

And as Native Americans we know that there is a crying need for sophisticated leadership if our tribes are going to survive as tribes.

Monumental problems confront every Indian group as we struggle to maintain our identity and culture in the face of demands by the commercial and political interests of business-as-usual America.

In the Navajo nation we face the destruction of Black Mesa (our Sacred Menale Mountain) by the huge stripmine shovels of Peabody Coal. We see our Colorado River water rights being ignored, or not enforced. We see our delicate water-table balance and underground water supply being threatened by desert housing developments and energy-hungry cities far from the reservation that use our drinking and livestock water to slurry coal to use in electrical plants that pollute our skies and air and take electricity past our hogans to Las Vegas and Los Angeles. Even in our relations with the Hopi there is constant friction regarding land rights and grazing rights. Our population is growing faster than our economic base, and our boundaries are static.

These problems are not easy to solve. They require sophisticated analysis and sophisticated local and financial advocates. These and other problems like them will increase with the complex demands of the future.

Our children and our leadership must be able to understand and make decisions that are not only in our best interests, but in the interests of generations to come. They cannot get the tools they need to make these decisions until they have had a good deal of practice in dealing with the demands of complex institutions!

Community controlled, culturally based local institutions -- schools, health services, food and clothing co-operatives -- and a well organized community that knows the communication and power network of the political and economic structure under which it operates can have a significant input into decisions regarding future developments in their immediate area.

Community based institutions and organization are a locality's

best defense and protection against the social and cultural upheaval caused by outside imposed industry and/or resource development. The Native American community must take protective measures against those things that affect their environment -- to maintain clean water, clean air, unspoiled land, and to protect their own culture. The community must protect its members who live on energy producing, wealth producing land, to see that those people benefit from the energy source and the resource development as well as the developers themselves. To gain access to the increased standard of living "progress" provides for others, there must be community controls and local restrictions concerning jobs, housing, community planning, ecological balances, etc.

What does all this have to do with education?

The revival of the community school concept which was dominant during the 30's -- when every small community in the nation had its own school -- has an impact beyond the education world. When a community can run and control its own school, the people in that community, by implication, are capable of running other complex institutions ... stores, banks, and hospitals.

Whether they actually take control, and run these larger institutions or not is not that important. What is important is that they are able to and that they know how things as complex as these are able to function.

Those of our people who live in rural areas, and the seemingly powerless people within big cities must know how these large organizations operate, or the tribal leaders will leave the people behind as they try to cope as an elite with the complex demands of a complex world.

Community members may be illiterate and isolated from the world. But they are not ignorant. The community has ideas too. One of these community ideas was that bicultural, bilingual schools of the 1920's had a value that was overlooked when the massive schools of the 50's were being built.

Although the bilingual schools of the 20's often existed for government propaganda purposes, or for the purposes of the missionaries, they nevertheless provided instruction in the reading and writing of the native language.

Today the bilingual school gives the native language and culture a chance to exist apart from government and church, and it allows the native community to enter and become part of the school system.

Schools that adopt the bicultural form of education for whatever reason should tailor the program they need to suit the needs of the specific community they serve.

The bilingual school instructs orally in two languages. The native language may be used for discipline, emotional support of the child, or for the translation of academic material when the vocabulary of the dominant culture's language is too difficult for the child.

The biliteral school teaches reading and writing in two languages.

The bicultural school involves itself in the history, social studies and religious concerns of both cultures. The bicultural school may not be bilingual or biliteral. For instance, Native American history, tradition, and religion can be taught in English with no attempt made to use the tribal language.

The bicultural school teaches its children to think and react in both languages, and by extension, in both cultures. Merely reading

a second language does not mean that it is possible for a school child to think in the language he is reading. When he translates as he goes, his thought process is not bi-cognitive.

The Native American communities of the Western Hemisphere owe a debt to the community controlled schools that have managed to exist during the last decade.

These schools have shown that there are benefits to community controlled schools; that bi-cultural, bi-lingual education does have a place in a complex society.

Which of the four methods above are suitable for any one school at any one place today, can only be decided by members of the local community that is considering such a step. Any one of the principles can stand alone, or any combination of them can be implemented by a dedicated administration and staff.

Which Method Will Be Most Effective in Involving the Community

When we put the emphasis on the child, then the feelings and the emotions of the child become paramount. If a child is ripped from his family and thrust into an impersonal, culturally sterile or alien environment, he will go catatonic, and withdraw. He is not going to have any energy left to learn anything. And he will regress in development and accomplishment.

So we must make things as pleasant for the child as we can. That means he must remain near his parents. And this implies a community school within walking distance, or a short bus ride from his home.

Involving the parents in the operation of the school -- in policy, curriculum development, as aides, and in the operation of the

plant itself -- will provide the child with a familiar society. In addition to making the child comfortable and secure, the parents, involved as they are with the school, are more likely to encourage their children to do their best.

However, the parents cannot be involved in the school if they cannot communicate with school officials. Therefore, where language differences threaten the success of an academic program, it may be wise to plan for a bilingual curriculum, and a bilingual administration.

When parents and community are involved in a bilingual situation, they tend to want the things that are important to them taught to their children. Thus evolves the bicultural system.

When the child must be able to function in two cultures simultaneously, i.e.: he must know his own language and customs in order to continue to feel at home in his family, yet he must be able to react in another culture to earn a living, or to continue his education, then we must work toward producing a bicultural child -- a person who can "double track" and feel at ease in both cultures.

The minority group experience historically has been an unpleasant one. It is ironic that the tools that have been developed over the last ten years with a new understanding of what it means to be "a minority child" have been developed and refined just in time to be of use to the Anglos who are finding themselves for the first time the "minority" in a new world composed of Third and Fourth World people.

In Africa, Asia, Micronesia, Australia, here in Yellowstone, in the inner cities of the United States and Western Europe, the Anglo language and culture is in the minority. It is tempting to those of us

who had to adjust all of our lives to the disposition of another culture and another language as "superior" to say "Enough -- adjust to our ways or fall, just as we had to do." Still, the knowledge that advanced economic and academic success still rests upon a thorough understanding and fluency in one Western European language or another, makes that an intellectually (if not emotionally) unsound position.

It is not pleasant to be part of a minority -- often despised and always viewed with some suspicion and/or hostility by the majority. And it is especially difficult to adjust to the reality of minority status, when one has been raised with the idea that he/she is the majority. But even the established Anglo majority is a minority in the eyes of the Third World that it obstinately refuses to recognise in so many important ways. Until that establishment cares to understand the forgotten people of the Red and Brown and Black World, there can be no hope for world wide compassion, understanding and unity.

The education of bilingual, bicultural, bicompetitive people with strong cultural roots of their own and an ability to tolerate and understand others is a tentative beginning to rebuilding a fragmented world, in an historic period of individual alienation and anxiety.

It is my hope that this community will allow this process to begin, and to allow neither group to dominate or intimidate the other in the process of educating their children.

ALFONZO: BACKBOND AND HISTORY OF RANCH ROCK IN PRESENTATION SCHOOL
CHINE, ARIZONA 86503, U.S.A.

This year, the community of Ranch Rock has completed the first ten years of what was once considered an extremely radical approach to education; total community control.

In 1966, Robert A. Bressel, Jr. came to Ranch Rock to help form a nonprofit corporation called a "Dine' Education in Navajo Education," DINE, Inc.

Aware that their own assimilationist educational philosophy was not effective, the Bureau of Indian Affairs and the Office of Economic Opportunity awarded DINE, Inc. a total of \$642,000 and the new school complex the BIA had just completed at Ranch Rock to demonstrate the community control concept of education.

The Ranch Rock community elected four men and one woman to the first school board. Immediately, the control of the entire complex was put into their hands. These middle aged people from the community, only one with any formal education, represented local and true control over the school.

Since then, the Ranch Rock School Board has continued to accept, reject, and modify all proposals and programs to fit the Navajo way. Their vision has resulted in our bilingual/bicultural form of education that has had repercussions throughout the world. Thousands of visitors come yearly to see how we use the Navajo language and culture to enhance and enrich our children's progress in

the whole world. Rough Rock Demonstration School stands as a monument to the persistence of a small community determined to control its own school.

The locally elected school board controls all decisions at Rough Rock. These life-wise people with little formal education have had the wisdom to shape our school into an innovative experimental institution, the first of its kind in the country.

Rough Rock's enrollment has fluctuated from 235 to 480 students. The children come primarily from traditional families living within a fifteen mile radius of the school. Five children come in from large cities across the country to stay as boarding students to learn the language and the culture of their people. That one third of the children are boarding students, since the roads to their homes are often just tracks in the desert plateau, impassable in wet weather. Despite the conditions, many boarding students run-see to get home every weekend.

Community people run the dormitories and stand in as parents to the children who live there. Traditional stories are told during the winter months, and there is a well-stocked playroom in the elementary residence hall, and a sophisticated recreation room for the teens.

Here there is little separation between home and school. Upon entering school, whether as a day care baby, a preschooler, or a kindergarten student, the child is bilingit in Navajo with English as a second language.

Classes at the primary and intermediate levels are individualized and ungraded. During a transition period the children are

tought in both English and Navajo, with gradually increasing use of English, until by the fifth grade level it is the major language of instruction.

Generally a child moves on to the middle school, or junior high, at age 11 or 12. In all classrooms, at all levels, the bilingual aides and teachers can help the child work through academic problems in both languages.

Parents in traditional dress work alongside the teachers. The child seems to be proud of his heritage, and to take this competent teaching from his community members for granted.

This school's administration is responsible to the Board, and reflective of its wishes and values. Navajo people, through their elected administrative officers, are running a sophisticated school, unashamedly oriented to Navajo children. Many of the former students of Rough Rock Demonstration School now hold jobs here as fully certified teachers, principals, and administrators, as well as in the many care-taking positions.

Navajos fill most of the administrative positions at Rough Rock, and more than 60% of the teaching positions. All of the aides and supportive staff come from the community.

Community members are totally responsible for the day care center, the preschool, the dormitories, plant maintenance and the kitchens which feed 500 people three meals a day.

For ten years Rough Rock Demonstration School has been an example and a source of hope for other communities which felt that they too could develop a school to meet the special cultural needs of their

children and youth.

The importance of Rough Peck cannot be overestimated: it was the first of the contract schools. Since Rough Peck began its "demonstration of community controlled education" in 1966, other communities all over the country have followed the Rough Peck ideal, and have begun to contract for their own educational institutions.

The goal of education at Rough Peck Demonstration School consists not only of acquiring skills and proficiency in school subjects commonly taught, and in learning the Navajo language and culture, but in assisting Navajo children and youth in their present lives to "become" in a manner that will allow them to be of maximum service to themselves and others throughout their lives. Our school is not a place to prepare for life; it is life itself. The function of our school personnel in any capacity is to be of service to children, youth, and indeed the entire Rough Peck community as they use the school to take advantage of its opportunities rather than to be used by it.

The Rough Peck School Board meets every Monday in full session, to deal with the problems and situations that arise in the school and community each week, and to set policy for the total complex. These meetings are open to any member of the community who has anything to discuss with the Board or who may simply wish to observe the elected officials in action.

The School Board is directly responsible to the parents and members of the community, with full authority to hire and fire personnel, to make decisions concerning policies in the spending of funds, and to regulate the school in a fashion that reflects the

members of the Navajo community.

Every two months, or more often, the entire community is invited to a mass meeting at which some facet of the school's operation is explained in detail.

Rough Rock is one answer to decades of critics of Indian education. The Navajo people of Rough Rock are convinced that their children will be both comfortable with, and proud of, their heritage, and look upon themselves and their people as persons of dignity and ability.

With the guidance and wisdom of the elders of the community, Rough Rock Demonstration School will continue to provide the children with the tools they need to make intelligent personal decisions, whether as a Navajo shepherd or as a doctor or engineer in the multicultural society of the world at large.

There is a vitality and hope in contract schools such as ours, Rock Point, Bajah, and Barrero Pass, that is missing in other schools. There is also a great deal of work to be done, both in beginning a contract school, and in continuing operation once the initial contracting phase is complete.

Rough Rock has had to adapt to attitude changes in the community, to reductions in funding, to a shift from Anglo dominance to Navajo dominance in administration and teaching staff. Yet Rough Rock has expanded, and continues to grow, change, and develop new techniques to implement the community's ideas of what constitutes a suitable education for their children.

Our oral history tells us that Spider Woman gave the Navajo

These children and adults to put to sleep on their journey.

It is our job to educate the grandchildren of the Holy People to meet the demands of the future. As educators, we must provide the tools they need to move in the world with confidence.

It is our belief, at Rough Rock Demonstration School, that the best way to do this is to allow the community total control over the education of their own children.

APPENDIX

STATEMENTS ON INDIAN EDUCATION

by Jimmie C. Begay, Principal

Rough Rock High School

Chino, Arizona 86503, U.S.A.

Basically, Indian Education is our National Tragedy. There is so much money wasted by racist educators with preconceived ideas about what an Indian needs, and what an Indian child (or adult) is capable of.

There are four different kinds of schools on the Navaho reservation, and parents have the right to know the differences in the types of education offered their children. The kinds of schools are:

- * Community-controlled schools, where the parents provide input into the educational process.

- * Public schools run by the state.

- * Bureau-controlled schools run by the BIA through the Department of the Interior (Federal Government).

- * Mission schools which provide an education (often excellent) with the avowed purpose of gaining converts to the religion that sponsors the mission.

In all but the first type of school, the community and the parents have no voice in the decision-making process concerned with what type of education is best for their children.

At Rough Rock we have hundreds of visitors each year

who come to get ideas about how to do things. These visitors are mainly educators from public and BIA schools. They know they are failing children in important parts of life, and they come here to see how they can do better.

As a former bilingual student myself, I know that the Indian child from a strong traditional background has resources far richer than the average Anglo certified teacher. Yet the child doesn't feel that his strength is a true strength. He feels lost in the official Anglo education factory.

Many of our hogan children don't know why they go to school at all -- it is just something that they do. Official Anglo counseling doesn't touch certain mysterious areas of life that the child knows instinctively to be important. By neglecting these areas of knowledge and truth, the system denies its own power and authority. When a child receives counseling in traditional ways, from the home as well as the school, and when the advice is similar, then that child knows his place in society and family, and knows what is expected of him.

The parent has a right and an obligation to know that all of these types of schools except the community-controlled school are oriented toward the Anglo mainstream. The values taught and lived by are Anglo values. They reflect Anglo tradition. And Anglo tradition does not hold the Indian in high regard. These schools stress vocational and mechanical training, because that is the easiest thing to do. There is

no effort made to provide an academic challenge for the lively intellect that is more common among our children than Anglos would like to believe. We have an obligation as educators to raise the standards of our schools, and to motivate the quick to become all that they can be.

Racism

There is rapid teacher turnover built into the BIA system. Teachers may leave or transfer at any time, or can be transferred by administrative personnel. A monthly bulletin of job openings around the country encourages teachers to transfer to other BIA schools.

Our children need continuity of personnel, and teachers and administrators who have a long-term parental interest in their students.

At Rough Rock, the School Board (all Navaho) screens all applicants according to what the community believes to be the necessary qualifications to teach their children. Questions considered are:

- * What is the purpose of the job?
- * What is the main challenge of the job?
- * How much will the children learn from this person?
- * What will the children learn from this person?
- * Will this person like the present staff, and cooperate with the staff?
- * Does this person like children?

The ultimate goal of Rough Rock Demonstration School is to have a 100 per cent Navaho teaching staff and administration. Certain Anglo educators with sensitivity to Navaho culture, life and problems, may be superior to Navaho applicants. Until Navaho applicants appear who are better for our children, we will continue to have Anglos on our staff. Though a 100 per cent Navaho school is our goal, there are benefits to our children that come from Anglos living in the educational community... but only when the Anglo knows the policy and needs of the community, and abides by his knowledge.

Because of the rapid turnover, the teaching methods at BIA schools generally are uncoordinated. The rapid turnover contributes to incoherence in the educational curriculum.

Before the student can succeed in school, he must know himself. Why is he here? Does he know he is unique, and that only he can fulfill his own life? Does he know he has two clans? Does he know his place among all the relatives? Does he know his hogan duties and chores? His social and family life and religion teaches him what it means to be an Indian. Once he truly knows that, and who he is, he can discipline himself wherever he is.

Our children have our trust. We know we can trust them to behave wherever they go. They respect and trust the teachers here just as long ago, our people trusted their authorities.

Our children need a strong self-discipline and the right to dream of future goals. The dreams they have will come either from teachers who know the roots of their past, or from teachers who deny those roots.

Dreams for our children come hard. They haven't been exposed to outside society enough to learn the wide range of occupations and opportunities open to them.

On the reservation a "job" means to be a clerk, a mechanic, to work in construction, or maybe, if one is quick at books, to be a teacher.

Our children don't know where the action is, and where decisions are made.

Our Navaho parents as a whole are behind education -- they have always held a wise man in high esteem. But to our traditional parents all knowledge is integrated: law, science, theology, ethics, natural law, healing, are all the same body of knowledge -- wisdom. The idea of separate disciplines such as science, English, math, etc., is new and somewhat confusing.

APPENDIX

Poll of Anglo staff at Rough Rock School

The Anglo staff at Rough Rock Demonstration School, Chinle, Arizona were polled during the last weeks of school regarding their opinions of a bicultural/bilingual school program. Their comments, though brief, give some indication of their dedication and belief in such a program. Their comments follow.

Question: What do you feel are the advantages of a bilingual/bicultural school program?

Answers:

The "culturally deprived" student is the child who grows up in only one culture, having only one set of values and mores with which to view the world. With a background of two or more cultures, a person's mind and outlook is broadened, and he has an ability to appreciate and respect other cultures and other viewpoints. This leads to better communication, understanding and sharing of ideas. Learning about other cultures gives a child (or any person) a stronger understanding of the real meaning of one's own values, mores and beliefs.

Students will develop a more positive attitude toward education and an alien culture when two or more cultures work to complement one another rather than opposing one another.

Parent involvement is more likely when the parents' own language and culture is integrated into the school. Home experience and school experience should reinforce and support one another.

Students have a more positive self-concept when their own culture and language are treated with dignity.

Children can retain their own cultural values, artistic skills and pride in their heritage, while learning to appreciate the same things in another culture.

Basic concepts are learned first in the student's native language. When a child must operate in a foreign language during his early years at school, the learning of basic concepts fundamental to academic success may be delayed. The student can be picking up the second language gradually at the same time as he learns basic concepts using his own language as a medium.

A child from the dominant culture can learn basic concepts in the established language and "pick up" another language at the same time, if the school is truly bilingual.

Students learn to read much faster when they learn to read in their own language first. When allowed to express themselves in their primary language, children do so more quickly and more precisely than in a second tongue.

Question: What are the disadvantages of a bilingual/bicultural school program:

Educators do not agree on the meaning of "bilingual/bicultural." Some programs favor one culture over another instead of insisting on a truly balanced program.

Unless the entire staff and community is dedicated to making the schooling a bilingual and bicultural experience, friction and tension will be created on both sides. For this reason, inservice, interstaff activities need to be planned so that staff and children from both cultures will learn to appreciate one another and work together in harmony.

Differences in values are often difficult to distinguish, and unless the staff is given inservice training, the differences can cause problems rather than providing insights.

Some people working in bilingual programs are not adequately trained for the task. Often teachers are allowed to teach when they don't really want to, or don't know how. Training at all levels is essential.

It is difficult to find effective curriculum and tests, and teachers must frequently develop their own materials -- a slow process.

Question: What are your personal reasons for working in a bilingual/bicultural program?

I believe that Native American culture and language should be a living experience rather than something preserved in anthropology texts. Every individual has a right to learn about their heritage and to live their own cultural life. I came to Rough Rock to learn the Indian Way as well as to teach. It has been a sharing of experiences and I am grateful as an Anglo to be part of this school.

Both cultures have much to offer the other. When Anglos demand that the Indian change his ways and forget his language and culture it is a social tragedy. When the Indian refuses to take advantage of certain aspects of Anglo culture, they limit their economic and academic progress. For each person there is a balance that can be made between these two diverse ways of life. To achieve this balance is true wisdom.

I strongly believe in the bicultural approach to education. The New World experience is multi-cultural. Different peoples must always benefit from exchanges of ideas, skills and beliefs. A bicultural experience is of benefit to everyone. Surely, it presents problems, but to be in a bicultural milieu means that these problems are brought into the open where they can be worked out, rather than remain hidden and destructive.

I enjoy communication across cultures, and across languages.

I like the children. I respect their ability to shoulder great responsibilities and yet have a lot of fun. Learning about another way of life helps me question and reshape my own values.

I strongly support the idea of bilingual/bicultural schools, and I feel that I have learned much here and will continue to learn.

This program respects the children's home experiences and allows for greater learning to take place. I prefer to work for a school where the child's self-concept is important to community, administrators and staff alike.

Cultural differences produce unique individuals with different ideas, and that is what makes life in the broadest sense interesting and meaningful. I fully believe that all schools should be bi- or multi-lingual and multi-cultural, if we are to come to understand and appreciate one another for what we really are.

Indian Brotherhood of the Northwest Territories
Metis Association of the Northwest Territories

"The Northern Manitoba Hydro Project -- Its Impact
On the Cree"

Statement of Evidence of
KENNETH B. YOUNG
before the
MACKENZIE VALLEY PIPELINE INQUIRY
YELLOWKNIFE, N.W.T.

April, 1976

Northern Flood Committee

1010 - 191 LOMBARD AVE, WINNIPEG, MANITOBA R3B 0X1

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SUBMISSION

MACKENZIE VALLEY PIPELINE HEARINGS

1976

Mr. Chairman, members of the panel, I represent the Northern Flood Committee. The Northern Flood Committee is a constituency-based, intra-community agency. It was created by Band Council Resolutions to represent the communities most directly affected by hydro development in Northern Manitoba -- Norway House, Cross Lake, Nelson House, Split Lake and York Landing.

The Northern Flood Committee is a provincially incorporated body. Its Board of Directors consists of the elected chiefs of the five reserve communities affected -- Kenneth Albert of Norway House (President), Ken Wastasecoot of Split Lake (Vice-President), Frances Ross of Cross Lake (Secretary), Peter Spence of Nelson House, and Richard Beardy of York Landing. The Flood Committee is aided by a technical committee of various experts in community planning, biology, engineering, anthropology, sociology, and ecology.

Our mandate is to speak on behalf of those whose rights, interests and property has been, or may be, affected by the consequences of the Nelson House River Diversion and water regulation scheme.

Mr. Chairman, members of the panel: Our submission can have no other theme than to object to the project in the strongest terms possible. This is not a vindictive position. Neither Cree culture, Cree values, nor the native communities affected are against change, but we cannot and do not condone a

project which changes 50,000 miles of life-creating and life-supporting shorelines and which floods some 415,000 acres of ancestral lands. Lands which have been lived on, harvested and managed with great pride and care by Cree Indians, since the year 4,000 B.C.

The impacts of the project on the communities affected are clear.

It will destroy much of our environment and the resources on which we depend for survival as self-respecting communities. It will inundate our shorelines and access routes; it will destroy our wildlife and wildlife habitat; it will render our travel and navigation hazardous; it will destroy our commercial and domestic fishing; it will contaminate our lakes and rivers; it will destroy much of our economic base; it will disrupt our cultural traditions; it will produce tremendous social stresses and thus it will lead to a progressive disintegration of both, family and community life. This then is the brutal reality of what is evolving and unfolding.

We know, because it is already happening. All of it.

Mr. Chairman, members of the panel. Adding insult to injury, Cabinet sources have recently been quoted in the news media as saying that "Indians are using the project to get as much as they can from the Manitoba government..." and that the Northern Flood Committee "...is viewing the Hydro issue as that 'great-come-and-get-it-day'". The Honourable Mr. Green goes even further; he characterizes our proposed remedy principles as "ransom" demands.

Though rhetorically effective as a plausible motivation to impute to those in opposition to the project, such conclusions can only be drawn from a basis of profound ignorance and insensitivity. The simple fact is that if

the communities affected would have a choice in the matter, they would not trade this choice for any amount of compensation; they would veto the project. Now this may be difficult to accept but it is the clarification called for to put the aspirations of our communities in a proper focus.

There is another clarification needed. Much has been said about the "benefits" of the project. Yet, none have been established, except for "all-weather roads, network television" and, what Manitoba Hydro calls "central station electric service". Whatever validity this claim has, rests on the totally erroneous assumption that the "benefits" spoken of by Manitoba Hydro must be viewed as a bonus of the development rather as an entitlement under the constitutional obligation to provide adequate services to any community, regardless of location.

This includes adequate municipal facilities and services such as safe water distribution and sewage systems, health care services, schools, roads, fire protection, electricity, etc. Therefore, let us be clear on this point. The benefits of the project, to the communities most directly affected by it, will be nil.

More specifically still, because the communities have been neglected to such an extent, that they have neither proper water supply systems nor sewage treatment systems, and because water must be taken from rivers and lakes, and because the rivers and lakes will now be additionally contaminated by the advent of flooding, the communities affected are, actually, falling further behind in their standard of services as a result of the Hydro project. So much then, for the imaginary benefits.

Of course, this "deficit progress" also extends to our traditional pursuits -- hunting, fishing, trapping, etc. -- all of which will be seriously damaged, if not worse. Yet, we have been asked to accept the project in the name of the public good. Well, we are not prepared to do so any longer. In fact, we refuse to believe that we should be singled out to pay the price for society's wasteful energy consumption practises, for more power dams and environmental damages to feed this cult, and for destroying everything in the path of such an insane policy, including the culture and the way of life of five native communities.

What a price to extract from these native communities. What a contest between the powerful and the weak. What a terrible triangle of government power, government planning and government enterprise and commerce; all dressed up in the disguise of "the public interest" and wrapped up in the fixation of legislative supremacy as the quintessence of all wisdom. What a "public good".

Mr. Chairman, members of the panel. In the course of this hearing you will, no doubt, learn from others, how poorly the after-the-fact studies of the federal-provincial Study Board, have dealt with some of the consequences of the project. True, it may well be that no other group of people could have done better under the circumstances. Be this as it may, these circumstances have neither permitted the Study Board to operate as an independent agency as claimed, nor have they produced the disclosures envisaged in the \$2,000,000 federal-provincial study agreement. Partly, because of Hydro's inadequate data on water levels and flows, and partly because certain parts of the project have never been studied at all. And this is where the problem becomes visible.

You see, the missing facts as to peak water levels, extent of flooding and severity of erosion are not only impacts in themselves, but they are also

inputs to determinations of other impacts, including those related to water quality, ice conditions, transportation, wildlife and fisheries, and these in turn are inputs to cumulative determination of social and economic impacts. From this it should be evident that the uncertainties mentioned here severely distort all cumulative impact determinations.

As a consequence, it may well turn out, for example, that once the cumulative effects of all impacts are apparent, survival of one or more communities may dictate their relocation, rather than any other measure of impact mitigation. In the interim, the communities affected are placed in the position of having to plan how to deal with one set of impacts, only partially known, under threat of later impacts, which are not yet known. How can we possibly plan our future under such open-ended uncertainty.

To keep this presentation in manageable bounds, we shall go no further here in the articulation of our concerns, except to commend to your attention the various support references provided to you with this submission. These include color photographs of physical damages which have already occurred in the vicinity of Cross Lake as well as in the vicinity of Nelson House.

Let us pause a moment here to so that we may share with you two critical observations. These have to do with the reliability of the impact evidence disclosed, or more precisely, they have to do with the lack of it. We would ask you to look at the color photographs in our kit.

None of the damages, conditions, hunting, fishing and trapping impediments depicted in pictures 1, 2, 3 and 4 were ever predicted or disclosed in any public document on record. And we mean, any public document. The environmental

disaster depicted with photographs 5 and 6, on the other hand, was acknowledged in the Summary Report produced by the Study Board. It was couched into the following editorial terms -- and I quote:

"The shoreline of the manmade reservoir behind the Notigi control structure will re-occupy the ancient shoreline of the lake left by the retreating glacier. This boundary will ease shoreline impact after diversion."

So the inference here seems to be that, if nothing else, Manitoba Hydro has at least super-ancient history on its side and that nature itself will ease the impact over the next century or so. What a description of the reality captured with our photographs.

And what a way in which public information is filtered, laundered and used in the disclosure of facts and damages. No wonder then, that those charged with the task of dealing with the consequences of the project are grossly under-briefed and misled as to these consequences, and because of this, unsympathetic and even hostile to our concerns. This then, is the other part of the tragedy before us.

Mr. Chairman, members of the panel. We have no illusions that many of the parts and processes for the project may proceed as planned, no matter what we say. And because of this, we have no illusions either that many of the predicted and unpredicted damages will be both severe and irreparable. To this extent, our aspirations and expectations will certainly be disappointed.

However, we do hold some hope that you may be able to support us in our search for, and advocacy of, sane and thoughtful policies dealing with the

project and its consequences. Policies which not only acknowledge and protect our social, economic and political rights, but our general and special legal rights as well. Our land is our Life and our Shorelines are our Future.

With both threatened, we appeal to you and all good people to help resolve this crisis in our history as native people, before this battle of the tongues becomes a battle of the guns.

Thank you.

APPENDIX A
WITNESS RESUME

CURRICULUM VITAE

KENNETH B. YOUNG.

BORN

The Pas, Manitoba.

Lived on The Pas Indian Reserve for thirteen years.

EDUCATION

Bilingual - Cree and English.

High School graduate - Dauphin, Manitoba.

University of Manitoba - Graduate, Bachelor of Arts, 1969.

Bachelor of Laws, 1972. Called to the Manitoba Bar in June, 1973.

EMPLOYMENT

I have been involved with the Northern Flood Committee, since its inception three years ago and I feel very confident to speak about the subject matter I am to present and to answer any general questions concerning northern development and its impact on Indian people.

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